





In the United States Patent Office.

In the Matter of the Interference

Between the application of HENRY CARMICHAEL, for Letters Patent for Machine for forming Hollow-Ware from Wood Pulp, filed Dec. 11, 1885, and Letters Patent granted to JOSEPH G. BODGE, Oct. 30, 1883, No. 287,614, for a similar invention.

DEPOSITIONS OF WITNESSES,

Taken on behalf of JOSEPH G. BODGE at the office of WILBUR F. LUNT, corner of Exchange and Middle Streets, Portland, Me., this 28th day of May, A. D. 1886, beginning at 9:30 A. M.

Present—JAMES H. LANGE, WILBUR F. LUNT, of *Counsel for*
BODGE.

CHARLES F. LIBBY, *Counsel for* CARMICHAEL.

It has been, and is, stipulated by counsel for both parties, that formal notice to Henry Carmichael of the time and place of taking the present testimony, is waived.

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FRANKLIN J. ROLLINS,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by JAMES H. LANGE, Esq., of Counsel for Bodge, as follows, to wit:

Int. 1. State your name, age, residence and occupation.

Ans. Franklin J. Rollins; 59 years; Portland; Insurance agent.

2. Do you know the parties to this Interference; and if yea, how long have you known Mr. Henry Carmichael, and what are your relations with him?

Ans. I do know the parties. I have known Prof. Carmichael since September, 1882. No business relations—only friendly ones.

3. Were you present at the taking of Mr. Carmichael's testimony in this Interference, which was taken on the 6th and 14th days of May, inclusive, of this present year? And did you understand the nature of the same as to its general purpose or effect?

Ans. I was present a portion of the time. The first day I was a witness in Court, in another matter, and was present but a few moments. After that time, I was present two-thirds of the hours. I think I understood its purpose and effect.

4. If you know of anything which bears upon or affects Mr. Carmichael's claim to the invention in controversy, or affects the testimony which he gave in relation to the same, will you please state as clearly and briefly as you can, the nature of such knowledge on your part?

[Counsel for Prof. Carmichael objects to the form of the question as indefinite, and calling upon the witness for testimony (the nature of which is not disclosed, so that legal objection can be made,) that in the judgment of the witness may affect Mr. Carmichael's claim or the testimony given by him. Counsel requests that the question may be made more specific, and the

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opinion of the witness as to what legally affects the matter in question, may not be substituted for that of counsel.]

[Question withdrawn.]

5. If you have had any business transactions or relations with Mr. Carmichael concerning the affairs of the Fibre Ware Company, or the Indurated Fibre Company, state when, under what circumstances, and what took place.

Ans. As Treasurer of the Fibre Ware Company, to which office I was elected July 19, 1882, I agreed to the terms of a contract or license between Prof. Carmichael and the company, dated September 9, 1882. A contract had previously been made between Prof. Carmichael and said company, dated July 1, 1882, which limited the license and privileges to the Fibre Ware Company. I asked that the successors and assigns should be included in the new contract and license. The first contract limited the company to the use of the treatment to articles manufactured by the flexible drainer process, then in use by the company. I asked that the company, its successors and assigns, be authorized to use his indurating process in treating pails, manufactured by the process then in use and in contemplation. I asked that the ambiguous language, which related to the use of his treatment, by other parties using other processes from which we were to receive a moiety of benefit, be made more definite by using the word "hollow-ware," as shown in the agreement of September 9th. This business was transacted in the office of the Hon. Charles F. Libby, and was not fully completed for several days after we commenced upon it. By the word *we* in the last sentence but one, I mean the Fibre Ware Company. I have had no business transactions with Prof. Carmichael as an officer of the Indurated Fibre Company.

6. State whether or not, in the month of September, 1882, you had one or more interviews with Prof. Henry Carmichael, at Brunswick, Me. And if yea, relate what took place.

Ans. I had an interview with Prof. Carmichael, at Bruns-

wick, on the 15th day of September, 1882, at his house, at which time and place I received the contracts and licenses before mentioned, and an additional contract and license, allowing the treatment of toy-yachts by his treatment. He went home from the room, in which he first met me, and shortly returned bringing the contracts and licenses, in or with an envelope which I recognized as being from the office of the Hon. Wm. L. Putnam, of Portland, Maine. He made inquiries in regard to the success of the company in forming pails, at Waterville, Maine. In answer to which, I gave him a general idea of the progress made. He then, with my pencil, made rough sketches, illustrating the ideas of Mr. Bodge and his own, in regard to methods of forming pulp ware.

7. Upon what did he make the sketches, and what kind of a pencil did you let him have?

Ans. He made the sketches upon the envelope mentioned, which is now before me, marked "Carmichael Exhibit A,—O. S., Not. Pub., May 6, 1886." The pencil was like that.

[*Witness introduces a pencil red at one end and blue at the other, which is marked "Bodge Exhibit No. 1,—A. H. D., Ex'r, May 28, 1886."*]

8. Prior to the present hearing of this date, when last did you see the envelope, Carmichael Exhibit A, with the sketches thereon?

Ans. On the 7th day of March, A. D. 1884, at Prof. Carmichael's house in Brunswick—from about 7 P. M. to about 12 P. M., as I had occasion to look at it.

9. Prior to your interview with Prof. Carmichael, at Brunswick, Maine, on September 15, 1882, had you seen a pail, or pails, made from wood pulp, or any machine constructed for that purpose, at the works of the Fibre Ware Company at Waterville, Maine, and if yea, when was it and on what machine?

Ans. I saw a pail manufactured at the works of the Fibre

Ware Company, at Waterville, on the 17th day of August, 1882, by Joseph J. Bodge, in the presence of Hugh J. Chisholm, on a machine now before me with a rubber diaphragm therein.

10. Will you please introduce, as an exhibit, the machine to which you refer in your last answer, and upon which the pail was formed?

Ans. I will and do. This is the machine, marked Bodge Exhibit, No. 2,—A. H. D., Ex'r, May 28, 1886. Parts [A,] [B,] [C,] [D,] The rubber diaphragm, at that time attached to the barrel, Exhibit No. 2, [A], is not now attached, nor is there a rubber diaphragm now in the exhibit. The other parts are, according to my best knowledge and belief, substantially the same as when I saw the pail formed.

11. What was the condition of the pail which you saw formed, as to the completeness of its structure, after having been formed by the machine to which you refer?

Ans. It was in as good condition as the pails now formed at the mills of the Indurated Fibre Company are in, when taken from the former, though less compactly formed.

12. Were you present at the meeting of the Stockholders of the Fibre Ware Company, at the office of Hugh J. Chisholm, 48½ Exchange Street, Portland, Maine, on September 7, 1883?

Ans. I was.

13. Will you please state, if you know, the general nature and purpose of said meeting?

[Counsel for Prof. Carmichael wishes the Examiner to note that after the question was put and before answered, the witness examined, at some length, a book of records in his hands.]

Ans. The call for the meeting was for the following purposes:

1st. To decide if the Company will sell all the property and interest, of whatever kind, which they now hold, to a company to be formed for the purpose of purchasing the same, with the

understanding that said new company shall assume all the debts and liabilities of the said Fibre Ware Company.

2d. Should the said Fibre Ware Company decide to so sell, then at said meeting, said stockholders shall take such steps as may be necessary to accomplish said sale.

14. To what book of records did you refer, in making your last answer?

Ans. Records of the Fibre Ware Company.

15. At said meeting, did any discussion take place among the stockholders, as to any invention or inventions of Joseph G. Bodge?

Ans. There did.

16. What invention of Joseph G. Bodge was discussed at said meeting?

[Counsel objects to the form of the question as not calling for what was said, but asking the witness to characterize the nature of the discussion.]

Ans. The invention of the pail machine in controversy.

17. Will you please state about the size of the room in which said meeting was held, and discussion made, as to the Bodge pail machine?

Ans. The room, as I have since ascertained by actual measurement, was and is, seventeen feet from front to rear, and sixteen feet one inch, from side to side.

18. Was the room more or less filled with office furniture? And if yea, do you recall, substantially, what pieces were in the room?

Ans. There were two tables and a desk, each about 4½ feet in length; a small table with letter-press thereon; about a dozen chairs, and a radiator, which I suppose would be rather of the nature of a fixture than furniture—said radiator 3 feet, 7 inches long.

19. State, if you know, the number and location of the windows and doors opening into said room.

Ans. There were three large windows in front, a door on one side, and three doors in rear—one of which I think opens outward, but I am not certain.

20. Can you recall about the number of stockholders present at said meeting?

Ans. I think there were fourteen. The records show but thirteen.

21. Was Mr. Henry Carmichael, one of the parties to this Interference, present at said meeting, during its regular or business session?

Ans. He was.

22. Were any articles produced at said meeting that were made, or said to have been made, on the Bodge Pail Machine, then under discussion?

Ans. There were.

23. What were they?

Ans. A baby-jumper and several water pails.

24. State the condition of the pails as to their completeness.

Ans. They were indurated, hooped and bailed, ready for the market—if the company had cared to sell pails at that time.

[Adjourned here, at 1 P. M., to 2 P. M., same day.]

[Met pursuant to adjournment, same parties present and at the same place.]

25. What became of the pails to which you have referred—I mean the pails that were exhibited at this meeting of September 7, 1883, and which were completed for the market; also as to what became of the baby-jumper?

Ans. They were sent to Boston immediately thereafter, and on the 21st day of September, 1883, were taken to the new

Adams House, and in a room occupied by me exposed to William A. Russell, then a member of Congress for Massachusetts, George W. Russell, Charles B. Gardiner, Charles D. Brown and H. J. Chisholm.

26. Have you a pail, in all respects as to completeness and adaptability for use or sale, like the ones that were at the meeting of September 7, 1883, and which were afterwards taken to Boston; and if yea, will you produce the same?

[*Objected to—as calling upon the witness to exercise his judgment by comparison, as to the qualities of articles not pretended were made at the same time or place as the pails, not produced, with which they are compared; and for the further reason that this witness is not shown to be, in any way, an expert in this matter.*]

Ans. I have, and I produce it; except it is minus a hoop at the bottom, which has dropped off, and which I will endeavor, later in my examination, to produce.

[*Said pail is introduced, and marked “Bodge Exhibit No 3,—A. H. D., Ex'r, May 28, 1886.”*]

This pail was given me by Mr. Bodge on or about August 28, 1883, and has ever since been in my possession.

27. Has the pail, Exhibit No. 3, been in use during the period in which it was in your possession?

Ans. It has. Most of the time it has been in by bath-room, and used to carry water to the several chambers in my house.

28. What became of the pails, if you know, that were taken to the new Adams House, Boston, as referred to by you?

Ans. They were ordered to be sent to the office of the Russell Paper Company, 53 Devonshire St., Boston.

[*Answer objected to—as not responsive and introducing incompetent matter.*]

29. For what purpose, if you know, were they sent, or ordered to be sent, to the office of the Russell Paper Company, Boston?

Ans. The object in view was the same as the object of first sending them to Boston, namely: to see if we could not induce certain stockholders of the Fibre Ware Company, and other parties, to furnish capital for a new corporation, then contemplated.

30. Who ordered the pails to be sent to the Russell Paper Company, if you know?

Ans. A discussion was had, as to what should be done with the pails, and George W. Russell said "send them to our office."

31. Do you know whether they were sent to said office?

Ans. I do not. I think they were; but I do not know.

32. Have you any reason to believe that they were sent, as ordered, to the office mentioned?

[*Objected to. It already appears that the witness has no knowledge that they were so sent. His reasons for supposing that such was the case are incompetent.*]

Ans. I have no reason to believe to the contrary.

33. Where were you when Mr. Bodge gave you the pail marked Exhibit No. 3?

Ans. At the Falmouth Hotel, in Portland.

34. I hand you two photographs which are marked No. 1, O. S., Not. Pub.,—No. 2, O. S., Not. Pub. Will you please state whether you ever saw the same, or photographs exactly similar? And if yea, state when and where you first saw them.

Ans. I have seen like photographs. I first saw them on or about September 7, 1883, in Portland. They were handed me by Joseph G. Bodge. To show how well I identify them, I will state, that since the examination in this case commenced, Mr. Bodge showed me two photographs, both of which showed the "former" up in the dome; and I immediately told him that one of the photographs he handed me on or about Sept. 7, 1883, showed the "former" up in the dome, and the other showed the "former" exposed.

[*Latter part of answer objected to as irresponsible and irrelevant.*]

[*Counsel introduces said two photographs marked "Bodge Exhibits, Nos. 4 and 5,—A. H. D., Ex'r., May 28, 1886," respectively.*]

35. Will you please state whether or not any photographs were produced and exhibited at the meeting of the stockholders of the Fibre Ware Company, on Sept. 7, 1883, at the office of Hugh J. Chisholm. And if yea, what were they?

Ans. There were—photographs that he gave me on or about Sept. 7, 1883, the day of the meeting.

36. Who do you mean by "he" in your last answer?

Ans. Joseph G. Bodge.

37. Had you ever seen the machine represented in the photographs—Exhibits Nos. 4 and 5—prior to Sept. 7, 1883, when you received said or similar photographs from said Joseph G. Bodge?

Ans. I had.

38. When and where?

Ans. At the Fibre Ware Company's mill, in Waterville. I cannot now recall the dates.

39. Did you see the machine operate?

Ans. I did not.

40. Who exhibited it to you, if any one?

Ans. Mr. Bodge, and I saw it without any exhibition. It was all out in plain sight—I mean to officers of the Company. I don't know as to anybody else.

41. What was your business or occupation in 1882 and 1883?

Ans. I was Collector of Internal Revenue for the District of Maine, Secretary and Treasurer of the Little Chebeague Island Company, of Portland, Maine; Secretary and Treasurer of the Arnoux Electric Light and Power Company of Maine; a member of the Executive Committee of the Fibre Ware Com-

pany, and Treasurer of said Fibre Ware Company ; senior member of the firm of Rollins & Adams, Insurance Agents ; and Secretary and Treasurer of the Deering Land Company.

42. Does the circumstance of your relations with any of the companies you have mentioned, connect itself in your mind with the meeting of the stockholders of the Fibre Ware Company, on September 7, 1883 ; and if so, how ?

[*Objected to—as irrelevant and leading.*]

Ans. On the sixth of September 1883, my brother, former Commissioner of Internal Revenue, with his family, came to Little Chebogue Island as my guests, to remain over the 7th day of September. On the 7th day of September there was a meeting of the Directors of the Arnoux Electric Light and Power Company held at the the office of William L. Putnam at 11 o'clock in the forenoon. The meeting of the Fibre Ware Company was held at the office of Mr. Chisholm, in the afternoon ; and in the evening at 6 o'clock there was another meeting of the Directors of the Arnoux Electric Light and Power Company of Maine, to conclude an agreement for merging said Arnoux Company with the Consolidated Electric Light Company, the preliminaries of which had been talked over at the meeting at Mr. Putnam's office in the morning. Calls for these meetings had been issued before I knew of my brother's coming. I was obliged to leave the Island on the early morning boat, before he was up, and was mortified that the clerk of the hotel should receive money from him as a guest of the house.

43. While in attendance at the meeting of the Fibre Ware Company, on the 7th of September, 1883, did you see your brother, or any of his family ? and if yea, state the circumstances.

[*Objected to—same as before.*]

Ans. They came from the Island on the boat, reaching the city at about 5 o'clock, and his daughters were driven by the

office, and I spoke to them from the window at which I was sitting.

44. From the window of what office did you see your brother's daughters?

Ans. From the window of the office of H. J. Chisholm, 48½ Exchange Street, while the meeting of the Fibre Ware Company was in progress.

45. How long after you saw your brother's daughters from the window, was it that the meeting closed? And also state at what hour the meeting began.

Ans. The meeting began at 3 o'clock in the afternoon, and adjourned shortly after I spoke to my brother's daughters—not far from a quarter past five.

46. At said meeting was the question discussed about the purchase of the invention of Mr. Bodge, now in controversy, and the application for Letters Patent therefor?

[*Objected to—leading.*]

Ans. It was, fully, by quite a number of the stockholders present.

47. Was anything said as to the terms of the purchase proposed or contemplated?

[*Counsel for Prof. Carmichael objects to the question as leading, and to this method of examining the witness as to so called discussions and conversations, in which no inquiry is made as to what was said, but leading questions as to the effect or result of the discussion, are put to the witness, by which he is called upon to summarize and construe the language used.*]

Ans. Colonel Richards made a summary statement of the part he had taken in negotiating with Mr. Bodge's attorney, which the other stockholders regarded as outrageous, according to the expressions made use of; but I remember a computation made by one member, showing how many baby-jumpers we should have to sell to pay the purchase price for the patent. It was the price demanded by Bodge that was deemed outrageous, and not the part Col. Richards had taken in the negotiation.

48. State whether the price was named, and if so, the amount.

Ans. \$10,000 in cash and \$15,000 in stocks in the Fibre Ware Company,—it being stipulated that the stock of said company should not exceed \$125,000.

49. Was Mr. Carmichael present when these discussions and statements were made, as to the terms you have mentioned?

Ans. To the best of my knowledge and belief, he was.

50. Did Prof. Carmichael, then and there, make any remarks concerning the matter?

Ans. I do not remember that he did.

51. State how long a time was consumed at the meeting of the stockholders of the Fibre Ware Company on July 19, 1882, if you can, and at what time of the day.

Ans. The meeting was called at 2½ o'clock in the afternoon, and lasted but little time—how long, I cannot say.

52. Recurring now to your interview with Mr. Carmichael at Brunswick, Maine, on September 15, 1882, will you please state what was the condition of the envelope of Carmichael Exhibit A, before he began to make sketches thereon in your presence.

Ans. It had upon it the postmark, the direction, and on the left hand end a request for its return to P. O. Box 1576, if I remember correctly, and by which I recognized it as coming from the office of William L. Putnam; besides which there were no other marks, as I remember.

[On reading his answer deponent wishes to add after figures "1576," the words "*Portland, Maine.*"]

53. In your answer to question 6, in which you refer to your interview with Prof. Carmichael on the 15th day of September, 1882, you say, among other things, as follows: "He made inquiries in regard to the success of the company in forming pails at Waterville, Maine, in answer to which, I gave him a general idea of the progress made." Will you please

state, specifically, the substance of the information you gave him as to the progress made in forming pails, at Waterville?

Ans. I informed him they had abandoned the plunger method, and described to him, as well as I could, what they were doing with the machine, as here exhibited, without the plunger.

[Adjourned here, at 4.45 P. M., to 9.30 A. M., May 29, 1886.]

[May 29, 1886, met pursuant to adjournment, at the same place, same parties present.]

[Before resuming the examination witness desires to make the following correction in his previous testimony, and says:]

I do not remember my exact language, but in one of my answers to one of the foregoing interrogatories, I stated that I had had no business relations with Prof. Carmichael since the transaction of March 7, 1884. I will now say, that I subsequently fulfilled my part of the agreement, of that date, and that since that time, as Treasurer of the Little Chebeague Island Company, I employed him to analyze the water of a spring located on said Island.

54. Did you say anything to him with regard to the formation of pails, at the works of the Fibre Ware Company, during said interview? And if yea, state what you said.

Ans. I told him I had seen a pail formed by a machine using a rubber diaphragm.

55. During the conversation, at said interview, was anything said relating to the indurating process?

Ans. There was.

56. What?

Ans. He commenced to read his formula, and when he

came to the word "linseed-oil," he said he wished to set himself right with me, in regard to a statement he had made to C. D. Brown and H. J. Chisholm, that there was no linseed-oil used in the treatment. He would explain said statement, by saying that the oil, in boiling contemplated, underwent a chemical change and was no longer linseed-oil.

57. In your previous testimony, you have stated that at said interview of September 15, 1882, you handed Mr. Carmichael a red and blue pencil, of the kind like exhibit No. 1. Will you please state how you happened to have such pencil with you?

Ans. There has been no time, within eight years, when I have not had pencils like the exhibit, on my desk at my office, in my house, at home where I live, and most of the time one in my pocket.

58. In what manner did you carry a pencil of the kind like exhibit No. 1, about your person?

Ans. I uniformly carry a long envelope in my pocket because it is thinner and lighter than a pocket-book, and in such envelope I carried such pencil, so that, whether long or short, there would be no inconvenience. The pencil being sharpened at both ends, the points could not come in contact with any papers kept in the envelope.

59. In Mr. Carmichael's deposition, taken in this cause, he stated in answer to re-direct question 349, that he applied to you, as formerly Treasurer of the Fibre Ware Company, as well as to others, for permission to see the records of said company, and was informed by you, as well as others, that the whereabouts of the book of records was unknown. Will you please state what you know about his inquiry to you, and explain your answer as to the whereabouts of said book of records?

Ans. I told him I did not know where the book of records was; that I was never Secretary of the company; that the last time I remembered to have seen the records, was at the office

of Clarence Hale, and if Mr. Stevens the Secretary, did not have the book, it might be that it was left at Mr. Hale's office. I told him, that, as Treasurer of the company, I had all the account books in my possession.

60. Will you relate, if you know, the circumstances attending the finding of the book of records ?

Ans. Some little time after Mr. Carmichael came to my office, I went to see Mr. Stevens, the Secretary, and asked him where I could find the records. He replied that he had long before left them at my office. Subsequently, Mr. Denison, Treasurer of the Indurated Fibre Company, came into my office, and I made search for the book of records and found it, with other books, a few inches from the bottom of the safe. All the account books of the company had canvas coverings. As this did not have, I had never regarded it as a book of the company, if I had seen it. I did not know it was in my office, and, as I supposed, gave a true answer to Prof. Carmichael, when he asked for it.

[Direct Examination closed

Cross-Examination by CHARLES F. LIBBY, ESQ., *Counsel for*
PROF. CARMICHAEL.

X 61. Referring to your answer to the 5th interrogatory, where you mention an agreement between Prof. Carmichael and the Fibre Ware Company, bearing date Sept. 9, 1882, please state where said agreement was executed, and on what date, and who the attesting witness was, and whether the same was executed in duplicate.

Ans. It was executed at the office of Charles F. Libby, in Merchants Bank Building, Exchange Street, Portland. It was, I think, witnessed by some clerk and student of Mr. Libby's.

I do not remember whether or not it was executed in duplicate. It was dated Sept. 9, 1882.

X 62. How recently have you seen the original of that agreement, in the possession of your company?

Ans. Since the commencement of these proceedings, and I think I last saw it a week ago yesterday, but not to read it carefully—simply to take the date, and look at the term “hollow-ware.”

X 63. Is your recollection full and exact, as to the circumstances attending the execution of that contract, and its terms?

Ans. I do not suppose I recollect all the particulars.

X 64. Are you able to state the day on which it was executed?

Ans. It might have been executed on the 14th of September, 1882, on which date I gave Charles F. Libby, attorney for Prof. Carmichael, my personal check for \$1,394.51 in full for Prof. Carmichael's bill against the Fibre Ware Company.

X 65. Is a reference to the date of that check the only means you have of fixing, approximately or exactly, the day when that agreement was executed?

Ans. I think there were several days consumed in completing the settlement, and arranging terms of new contract and license, and my memory, unaided, helps me to determine the date approximately or certainly.

X 66. Will you state whether or not, early in August, 1882, you had interviews with me, as attorney for Prof. Carmichael, in the enforcement of his claim against the Fibre Ware Company, with reference to its adjustment, which continued through that month and resulted in the giving of the check mentioned, and the execution of the agreement of September 9, 1882.

Ans. It is quite possible, and indeed probable, that in August, 1882, I first met Prof. Carmichael, and the negotiations resulting in the settlement of this account commenced. I remember, distinctly, that when I went to Waterville on a

special train, tendered me by the officers of the Maine Central Railroad, on the 24th day of June—if I remember accurately—on board which were the President of the road, Payson Tucker, its General Manager, Arthur Sewall, Darius Alden and Theodore N. Vail and others; there was a talk of purchasing \$25,000 worth of the stock of the Fibre Ware Company; that when the amount of stock outstanding was ascertained, such members of the party present as intended to take stock in said company, insisted upon a reduction, in some manner, of at least twenty-five per cent. of said stock. Mr. Vail declined to decide as to whether or not he and his friends would take any of the stock, until his attorney should examine the patents. On looking up the Letters Patent to send to him, shortly subsequent, it was ascertained, and for the first time made known to me, that the Fibre Ware Company did not own, by assignment from Prof. Carmichael, the indurating process invented by him, but not then patented. On calling for a license and formula, I did not find either, although an agreement had been entered into, as I understood. It was in Mr. Libby's office, according to my best knowledge and belief, that I first saw the contract and license of July 1, 1882, and insisted on enlarged provisions. I had, prior to that time, at the urgent solicitation of Mr. Chisholm, and before any of my associates had contributed a dollar of money, paid some \$1,500 of the Fibre Ware Company's debt, to save its paper from protest. I then went to Mr. Chisholm and said to him, that I would not ask my friends to put a dollar of money into the enterprise, unless he and other original members of the Fibre Ware Company should surrender stock to pay for the enlargement or broadening of the Carmichael license and contract. He said if he contributed seventy-five shares of it, seventy-five other shares must be contributed by Grenville M. Stevens, who, I think, was one of the patentees. I finally secured from each a surrender of seventy-five shares, which was subsequently made over to Prof. Carmichael. Considerable time

was taken to secure the result named, and it now seems that I must have commenced negotiations in the month of August, 1882.

X 67. When did you first become interested in the Fibre Ware Company, as a stockholder?

Ans. I was chosen Treasurer of the company July 19, 1882, and was elected Director July 28, 1882, at which date one or more shares of stock was given me to enable me to become a Director.

X 68. Will you produce the original agreement of Sept. 9, 1882, referred to in your examination, and make it a part of this testimony?

Ans. If I can be excused to go and find it.

[*Counsel for Prof. Carmichael expresses a willingness that witness be excused for that purpose.*]

[*Witness goes out, and on his return says he finds the office of the Indurated Fibre Company closed, and he is therefore unable to procure said original contract, but will do so later.*]

X 69. What was the "flexible drainer process" used by the Fibre Ware Company, as referred to in your answer to the 5th interrogatory?

Ans. It was a process we were then using in the formation of basins.

X 70. Was it a process in which a plunger was used for forming the articles for pulp?

Ans. It was the process patented by Grenville M. Stevens, of Deering, and Hugh J. Chisholm, of Portland, Maine, August 30, 1881, and numbered No. 246,569.

X 71. From what book were you reading in giving your last answer? And will you please state whether a plunger was used in that machine patented by Chisholm and Stevens.

Ans. It is a book owned by the Indurated Fibre Company, containing the specifications and sketches illustrating the method of forming hollow-ware by means of a male and female

die in connection with a flexible drainer. I cannot say whether this would be termed a plunger. The male die was forced into the female die, and between them a basin is formed. Both male and female dies are perforated.

X 72. Are the specifications and drawings, referred to in your last answer, printed copies from the patent office of the Chisholm and Stevens patent before mentioned?

Ans. They are, as I have every reason to believe.

X 73. Did the agreement of Sept. 9, 1882, between Prof. Carmichael and the Fibre Ware Company, enlarge the rights of the Fibre Ware Company, to use Prof. Carmichael's Indurating Process, so as to include articles made by them by any other process than the flexible drainer process?

[Objected to, as calling for the contents of an instrument in writing, and the legal construction thereof by the witness, and not the best evidence.]

Ans. It did not, in my opinion—although I tried to have it include other processes; and if I had succeeded, I should never have made the agreement between Prof. Carmichael and myself, dated March 7, 1884, heretofore alluded to.

X 74. By the agreement of March 7, 1884, do you mean the agreement which constitutes Carmichael Exhibit D, heretofore introduced?

Ans. I do.

X 75. Are the pails made under the Bodge patent, here in question, made by a different process than the "flexible drainer process"?

[Objected to—as calling for expert testimony, and as referring to matters not brought out in the direct examination and as immaterial to the issue involved.]

Ans. They are.

X 76. By what means do you identify Carmichael Exhibit A as the envelope that you say in your previous testimony, Prof. Carmichael made drawings upon, "illustrating the ideas of

Mr. Bodge and his own in regard to methods of forming pulp ware," on the 15th day of Sept., 1882, at his house in Brunswick, with a pencil furnished by you ?

Ans. By the post-mark of June 22, 1882; by the return notice on the end of the envelope, which I did not—no—expect to find, as on first examination I did not discover—the end of the envelope having been worn or torn off. Had I not discovered a portion of the return notice, I should not have sworn that it was the same envelope. The foregoing portion of this answer is unsatisfactory, and to make it more clear I now say that I recognize it by the post-mark; the return notice, or a portion thereof, on the extreme end of the envelope, and the red and blue pencil marks. Had the return notice on the end of the envelope been entirely obliterated, I should have qualified my statement.

X 77. What do you mean by the words "first examination," in your last answer ?

Ans. First examination since March 7, 1884, namely, yesterday morning.

X 78. Was that just before you commenced to give your testimony ?

Ans. It was a few minutes before.

X 79. Where did you get the No. 1576, as Mr. W. L. Putnam's P. O. number, as previously testified to ?

Ans. I have had very much business to do with Mr. Putnam since my appointment as assignee in bankruptcy of the Bank of Portland. I had to do with him in the purchase of property of the Presumpscot Pulp Ware Company, now owned by the Indurated Fibre Company, and more recently as my attorney in some large real estate transactions. Two envelopes recently received from him are now in my possession, and I here show them.

[*Said envelopes are introduced, marked: "Bodge Exhibits Nos. 6 and 7,—A. H. D., Ex'r., May 29, 1886," respectively.*]

I remember the box number as being 200 less than 1776, the year of our national independence. I remember my own house number, 693 Congress St., as being 700 less 7, and so tell any person who should inquire the number of my residence ; and it is my usual custom to remember by such methods.

[Adjourned here, at 1:10 P. M., to 2:15 P. M., same day.]

[Met pursuant to adjournment, at same place and same parties present.]

[*Agreement of Sept. 9, 1882, here introduced and marked: "Bodge Exhibit No. 8,—A. H. D., Ex'r., May 29, 1886."*]

[*It is stipulated that a copy of said agreement, certified by the Examiner, shall be used in place of the original.*]

X 80. In your answer to Int. 76, you say, "Had I not discovered a portion of the return notice, I should not have sworn that it was the same envelope." What portion of the return notice found upon the envelope, marked "Carmichael Exhibit A," at the time of your examination of the envelope yesterday morning, enables you to swear that it was the same envelope which you say Prof. Carmichael made drawings upon, on the 15th day of September, 1882, in your presence?

Ans. To all appearances, when I first examined the envelope it was, until addressed and the post-mark put upon it, a plain envelope; and I did not discover any indication of the return notice, or any portion of it, until I had seen it a second time yesterday, and then I first discovered such portion of the return notice as was not worn away or torn off.

X 81. What portion of the return notice did you discover, on your second examination yesterday, of Carmichael Exhibit A?

Ans. I discovered whatever there was upon it—without a very careful examination—enough to satisfy me that it was not a blank envelope, and that it bore ear-marks of the return notice in use on envelopes of Mr. Putnam.

X 82. Can you now tell me, after your two examinations which you state that you made yesterday of this exhibit, what words, or parts of words, were then upon the envelope, Exhibit A, forming a part of the return notice?

Ans. In my statement made yesterday, I said, if I remember rightly, "Return to P. O. Box 1576, Portland, Maine," and the address and the postal mark were all there was upon the envelope, at the time I first saw it that day. I did not mean to be understood by that, that the return notice was limited to those words only; nor did I wish to be understood as saying, that there was no postage stamp or stamps upon it. It was a part of the whole return notice that appeared upon the envelope, and I dare say it is the part I omitted to give, namely: "If not called for in six days."

X 83. Will you now kindly answer Int. 82, and which I will now ask the Examiner to repeat?

[*Question 82 repeated.*]

Ans. I cannot any more definitely than I have.

X 84. What words in the return notice found upon Exhibit A, at your examination yesterday, then first discovered by you, enabled you to swear to the identity of this envelope, which, as stated by you in your answer to Int. 76, if you had not discovered, you "should not have sworn that it was the same envelope"?

Ans. A comparison of the words still remaining on the envelope, Carmichael Exhibit, marked A, with the words of an envelope, then in my hands, containing the full return notice.

X 85. How many such words were then remaining upon Exhibit A, forming a part of the return notice?

Ans. I do not now recall—there were not less than six or eight.

X 86. Was the number of any post office box on Exhibit A at the time of your examination of it yesterday, as forming a part of any return notice which you then saw upon it?

Ans. I cannot say.

X 87. After your careful examination of this Exhibit A yesterday, can you not now, twenty-four hours thereafter, state whether or not you then saw on said exhibit, the number of the P. O. box, by which in your answer to Int. 52 you say, that at the time therein referred to, you recognized it “as coming from the office of William L. Putnam,” adding, “besides which, there were no other marks as I remember.”

Ans. I had before me at the time of the examination, the contract between Prof. Carmichael and the Fibre Ware Company, dated July 1, 1882, which I recognized as in the handwriting of Daniel Brooks—for ten or more years last past a clerk in the office of Hon. Wm. L. Putnam. The envelope was directed in a different handwriting, and to all appearances then presented, was blank at the left hand end, so far as any printing was concerned. At my examination, Mr. Brooks was present in the room, and he, in my presence, turned back a portion of the left hand end of the envelope, and thereby disclosed such printed words and figures as compared with like words or figures on another envelope which I then held in my hand—being the printed words on Exhibit No. 6 or 7.

X 88. When did the examination take place, referred to in your last answer?

Ans. Either just before, or immediately after the commencement of the preliminaries of my deposition, yesterday morning.

X 89. Will the Examiner please repeat interrogatory 87, and ask the witness if he has any further answer to make?

[*Question 87 repeated.*]

Ans. When I first saw the envelope Exhibit A, at Prof. Carmichael's house in Brunswick, September 15, 1882, I know there was a return notice on the left hand end of the envelope. I know that when it was shown to me again, at his house, in Brunswick, on the 7th of March, 1884, there was a return notice on the left hand end of the envelope. I know that when I first examined the envelope yesterday morning, I failed to discover any such return notice; and I could not have sworn positively that it was the same envelope, and bore the same post-mark. I know that when Mr. Brooks turned back a folded portion of the left hand end of the envelope to satisfy me so that I could swear positively that it was the envelope which I had seen on the two former occasions mentioned. And I here and now swear positively that it is the same envelope I saw on the occasions mentioned.

X 90. At the time of your examination yesterday morning, when, as you say in your last answer, Mr. Brooks turned back a folded portion of the left hand end of the envelope, to satisfy you, so that you could swear positively that it was the envelope which you had seen on the two former occasions mentioned. I ask you to state whether at that time yesterday you found on Exhibit A, any box number forming a part of the return notice on said exhibit?

Ans. I cannot—the whole combination, post-mark, such portion of the return notice as was disclosed to me, and the sketches made with blue and red pencil, satisfied me beyond a reasonable doubt, that it was the envelope I had seen at Prof. Carmichael's house Sept. 15, 1882, and March 7, 1884.

[*Counsel for Prof. Carmichael moves that all after the words "I cannot," in the above answer, be stricken out from the record as irresponsible, not called for by the question addressed to the witness.*]

X 91. On the 15th day of September, 1882, when you say that an envelope was produced by Prof. Carmichael, at his

house, in Brunswick, on which he made as you say, rough sketches, what was there in the circumstances then existing, to lead you to make any special examination of an envelope thus casually introduced, and which, so far as circumstances then indicated, could be of no possible importance in the future?

Ans. I associated the envelope with the contract and license, dated July 1, 1882, between Prof. Carmichael and the Fibre Ware Company. I associated the drawings with what Mr. Bodge was then doing at the mill of the Fibre Ware Company, at Waterville; and the fact of Prof. Carmichael's explanation of his statement that there was no linseed oil used in his treatment process, led me to be unusually observing.

X 92. What papers were contained in the envelope above mentioned, at the time Prof. Carmichael produced it, as you say, at his house, in Brunswick, Sept. 15, 1882?

Ans. I said *in* or *with* papers. The papers, as I now remember, were his formula for treating, which he read aloud, and when he came to the word "linseed oil" hesitated and made the explanation before mentioned; his supplemental contract, dated Sept. 15, 1882, and the contract and license of July 1, 1882, and Sept. 9, 1882.

X 93. Were all those papers contained in that envelope at that time?

Ans. I do not remember that any of them were *in* the envelope.

X 94. Was the envelope whole at that time?

Ans. It was not much mutilated—it had been opened—nothing like what it was when I say it yesterday.

X 95. In what way had that envelope been opened, as you saw it September 15, 1882?

Ans. I did not know—nor do I now know.

X 96. If it had formerly been a sealed envelope, passing through the mail as you have described, would it not bear marks of having been opened by tearing, either on one of the

ends or in some other part; and if so, have you any recollection of the appearance of that envelope, with reference to the way it had been opened, at the time you say you saw it, September 15, 1882?

Ans. From my limited experience in the way of opening envelopes, some are unsealed with very little mutilation and some with a good deal. The care used in opening has much to do with the character of the envelope when opened. There was nothing remarkable calling my attention to the manner of opening.

X 97. Have you any recollection as to the condition of that envelope at that time, with reference to how much, if any of it, was destroyed in the opening of it?

Ans. There was very little of it destroyed. It was in good average condition.

X 98. What part, if any of it, was destroyed?

Ans. I cannot answer.

X 99. Do you remember whether it was still sealed on the back?

Ans. It is my impression that it was sealed on the back and had been opened on the left hand end; but I am not certain.

X 100. As a matter of fact, when you examined Exhibit A yesterday, on the two different occasions mentioned by you, did you not find that a portion of the left upper corner of said envelope was wanting, and that that portion of the return notice containing the number of the box, if any ever existed thereon, was wanting?

Ans. I noticed it was considerably mutilated and at first thought it was a blank envelope at that end, and so continued to think until Mr. Brooks folded back a portion that was turned over, and disclosed enough of the printing for me to recognize the envelope that I had seen in September, '82, and March, '84.

X 101. Were you present at Prof. Carmichael's examination, when he stated that he believed Exhibit A, was an envelope that he had received from W. L. Putnam's office, the date of its post-mark, June 22, 1882, or had you, previous to giving your testimony, learned in any way, either by reading his testimony or from the statements of others who had been present at the examination, that he had so stated ?

Ans. I was not present, when he testified to that effect, nor do I remember to have heard that he so stated. I had heard that the sketches were on a plain buff envelope, and I had said, in the presence of counsel for Bodge, and other parties, that if such were the fact, it was not the envelope which I saw on the 15th day of September, 1882, and again on March 7th, 1884.

X 102. When did you first see Exhibit A, since the taking of the testimony in this case first commenced ?

Ans. Yesterday morning at about 9:30 o'clock.

X 103. Have you not been present during most of the time that the testimony of Prof. Carmichael was taken, from May 6, to the 14th, inclusive, and while said exhibit was open for examination on the table where the Examiner sat, during the greater part of that time ?

Ans. I was present a very little of the first day. I was a witness in the State Court, presided over by Judge Bonney, from the opening of the Court until its adjournment for the day. I then went into the office of Symonds & Libby, where the examination was in progress, but did not go near the table where the exhibits lay, if any lay there, nor did I on that day, or any subsequent day, until yesterday morning, at about the hour of half past nine, see said envelope sufficiently to distinguish it from any other envelope if I saw it at all. I could not see the writing, or anything on it, without my glasses, and I wore them but very little during the examination.

[Adjourned here, at 5 P. M., to Monday, May 31, 1886, 9:30 A. M.]

[Met pursuant to adjournment, at same place, the same parties present.]

Before proceeding with the examination, witness says as follows:

That since the adjournment of this hearing on Saturday afternoon last, I have given a good deal of thought to interrogatory 6, in my direct examination, and to my answer thereto, and I am convinced that it *was* in part erroneous. I had on the 14th of September, 1882, given to Charles F. Libby, attorney for Prof. Carmichael, my personal check for \$1,394.51, and Mr. Libby had given to me the contract and license of September 9, 1882, and perhaps a duplicate copy of it. Whatever papers there were, were contained in one of Mr. Libby's office envelopes, and into which I have no doubt I had put a pencil, red at one end and blue at the other. On my visit to Brunswick on the morning of the 15th of September, 1882, I went to Prof. Carmichael's house and shortly after his coming into the room, I took this envelope from my pocket and took the contents from the envelope. I was not the bearer of any letter from Mr. Libby to Prof. Carmichael, but I told Prof. Carmichael that I had made settlement of his claim against the company. He said he was aware of the fact, as he had received a communication from Mr. Libby upon the subject at 8 o'clock. I remarked that he was an early riser, and he replied that it was 8 o'clock last evening. The envelope containing such papers as I carried, had a return notice on the end, requesting return to Charles F. Libby. The other envelope upon which the sketches were made, and which Prof. Carmichael had brought into the room, or shortly after brought into the room, was the Putnam envelope, the return notice on which gave the P. O. box number. It was the comparison of the return notice that enables me to remember that there was a return notice on the envelope on which Prof. Carmichael made the blue and red sketches. It was after he had read his formula to me, and made sketches and conversa-

tion had taken place in relation to what we were doing at Waterville, that he made the brief contract relating to toy-yachts. This brief contract was not made in the room in which we were sitting, but he went into an adjoining room, a room connecting by an entry, and afterward returned, bringing the short contract with him. We did not, during the interview, open any contract of July 1, 1882, or September 9, 1882.

X 104. In view of the important modification you have made—after having given, as you say, “a good deal of thought” to the matter—in your testimony, now admitted to have been erroneous, relating to matters happening nearly four years ago, will you state whether, after an opportunity of thirty-six hours or more, for reflection, you are able to state what you saw on Exhibit A, on Friday morning last, after two separate examinations of the same; and to make the matter more specific, I will ask you whether at the time of your examination of Exhibit A, on Friday last, you found either any P. O. Box number, or any word showing the city or town to which that envelope was to be returned?

Ans. I have had thirty-six hours time for reflection, but I have not reflected on that subject; and I can say no more now than I said on Saturday last.

X 105. How many printed words, or parts of words, of any return notice on Exhibit A, can you swear that you saw on said exhibit, at the time of your two examinations of the same, which you made on Friday last, when you instituted, as you say, a comparison of some portion of the return notice of that exhibit, with a return notice of some other envelope in your possession?

Ans. On the first examination, I failed to discover any word, or words. At a subsequent examination, Mr. Brooks, clerk for Wm. L. Putnam, came into the room, turned back some portion of the envelope, and disclosed to me some written word, which on comparison I found to be identical with some of

those on an envelope which I held in my hand. On hearing the above answer read I wish to correct it by saying, *printed word or words*.

X 106. How many such printed words on Exhibit A, can you swear that you had for comparison?

Ans. This disclosure was very hurriedly made; I cannot say positively how many there were, but it is my firm conviction there were at least five or six.

X 107. If you have a firm conviction that there were at least five or six, will you please state what five or six words of the return notice you saw upon said exhibit?

Ans. I cannot state.

X 108. Are you able, since the production of the original agreement of September 9, 1882, to change, in any way, your testimony, as to who was the attesting witness to the execution of that document, and the day on which it was executed?

Ans. I am. Charles F. Libby was the attesting witness, and the only one. I do not remember that the date was different from what I gave—September 19, 1882. I did, however, notice that it was not executed by me, or any other person, in behalf of the company.

X 109. Do you or not recall that a duplicate original of this agreement of September 9, 1882, was executed by you and other directors of the Fibre Ware Company, in my presence, at the same time that Prof. Carmichael executed this other duplicate original of that agreement?

Ans. My examination of the instrument was very hurriedly made. After dinner I had to go to the office of the Indurated Fibre Company for this document, and did not readily succeed in finding it. I opened it, looked at the date of its execution and brought it here. I noticed that it was not signed by me or any other person in behalf of the company. I do not recall that a duplicate original of this agreement, of September 9,

1882, was executed by me, or any other director of the Fibre Ware Company.

X 110. Is your recollection of events, happening about four years ago, sufficiently accurate to enable you to swear whether you executed an important agreement, as one of the officers of the Fibre Ware Company, relating to matters about which you have already testified? I refer to this agreement of September 9, 1882.

Ans. I do not remember. My recollection of that event is not sufficiently accurate.

X 111. Will you please examine paper produced by me, purporting to be a duplicate original of this agreement of September 9, 1882, signed by the Directors and Treasurer of the Fibre Ware Company, in my presence as attesting witness, and state whether the signature of Franklin J. Rollins, appended thereto as one of the Directors, is your genuine signature, and whether it enables you now to testify with more accuracy as to the events attending its execution, inquired of above in X Int. 110.

Ans. The signatures are all genuine. There is one thing in this connection that is a surprise to me, which is, that Hugh J. Chisholm signed as Treasurer; but it is his signature. I do not recall any circumstances attending its execution.

X 112. From whom did you receive the agreement of September 9, 1882, executed by Prof. Carmichael?

Ans. From Charles F. Libby.

X 113. How long after that date, September 9, 1882, was that document delivered?

Ans. On the 14th day of September, 1882.

X 114. Have you, or not, previously testified, that you received it from Prof. Carmichael, on the 15th day of September, 1882, at his house?

Ans. I have, and have corrected said statement.

X 115. Are you now positive that you received that document from me, on the 14th day of September, 1882?

Ans. According to the best of my recollection and belief, I received it from you, on the 14th day of September, 1882.

X 116. How clear and positive is that recollection?

Ans. I know not how to make a comparison to show how clear and positive my recollection is. I have no reasonable doubt that it was delivered to me by you on the day designated.

X 117. Do you recall whether, prior to the delivery of this agreement, certain endorsements were to be made on certain certificates of stock, showing the same to be fully paid up stock, in the hands of Prof. Carmichael; and that delay in the passing of these agreements in duplicate was occasioned by reason of delay in making those endorsements? I refer to endorsements upon original certificates of stock held by Prof. Carmichael.

Ans. I do not, nor do I remember that the agreement, or agreements, had been executed by Prof. Carmichael, or any other party, at the time you handed the papers to me.

X 118. Do you mean by that, that the paper had not been signed by Prof. Carmichael, when delivered by me to you, whenever that was?

Ans. I mean by that, that I do not remember that it had been signed, or had not been signed.

X 119. Calling your attention to the original document, which you have produced, marked Exhibit No. 8, which purports to have been signed by Prof. Carmichael, in my presence as attesting witness, on the 9th day of September, 1882, do you wish to be understood as putting in question the fact of such execution on that day?

Ans. I do not.

X 120. Then, if that paper was delivered to you by me, on a day subsequent to September 9, 1882, as you state, what do you mean by your answer to Int. 118?

Ans. I can conceive of an agreement dated at its commencement, with the expectation that it would be executed on that day, being witnessed on a subsequent day, quite as easily as I can conceive of Hugh J. Chisholm's signing as Treasurer, when he had not been Treasurer for about 50 days next immediately preceding.

X 121. Do you not wish to change your testimony, as given in answer to Int. 108, as to the day on which that agreement was executed?

Ans. I do not.

X 122. Will you please examine original document, Exhibit No. 8, and look at the word "ninth" in the first line of the agreement, forming a part of the line: "This agreement made this ninth day of September," and state whether or not the word "ninth" is written in a different shade of ink, as indicating that that word was not inserted at the time when the instrument was drawn up?

Ans. I cannot discover any difference in the shade of the ink.

X 123. By that, do you mean that the word "ninth" looks uniform in shade and color with the rest of the line?

Ans. I mean that to my eyes, the word "ninth" looks uniform in shade and color with the rest of the line.

X 124. Is your eye-sight good?

Ans. Years have dimmed it some. With the glasses I now wear, I cannot, perhaps, see as well as in my earlier days. In fact, I know I cannot. I can distinguish shades and color, and have always been able to.

[*Counsel for Prof. Carmichael requests that the original document, constituting "Bodge Exhibit, No. 8," should be made a part of the deposition, so that it may be inspected by the officers of the Patent Office.*]

X 125. Do you remember anything relating to any endorsements to be made upon certificates of stock, held by Prof. Car-

michael, in connection with the execution or delivery of this agreement of Sept. 9, 1882?

Ans. I do not remember anything definite in regard to it. I know that all the stock that had been issued for patents was stamped with a hand stamp upon the certificates, and that the vote of the Directors, or agreement with the officers of the company, provided that Prof. Carmichael's stock, given by the company, should be fully paid stock. I remember further that the stock contributed by Messrs. Chisholm and Stevens was by them surrendered to the company, and that the stock thus surrendered, was stamped with the stamp showing that it was fully paid.

X 126. Had certificates of the "450 shares of the capital stock of the said Fibre Ware Company, free from assessments," mentioned in Exhibit No. 8, as the consideration of Prof. Carmichael's entering into that agreement, been delivered to him, endorsed as free from assessment, on the 15th day of September, 1882?

Ans. I cannot say that it had. I think 300 shares had been delivered him, and the 150 shares had not been delivered him, but I cannot say whether it had been stamped with the rubber stamp, showing that it was fully paid stock. The agreement between the company and Prof. Carmichael, dated July 1, 1882, required that it should be full paid stock, and the records show that the President and Directors had so agreed. The 150 shares, to be contributed by Messrs. Chisholm and Stevens, had not been made over to him, but their stock was given them for machinery and patents, and was all duly stamped with the rubber stamp before mentioned; and I had assurance that it would be surrendered by said Chisholm and Stevens, and of course the party to whom it was assigned would be protected as fully as said Chisholm and Stevens. The contract of July 1, 1882, now before me, has an endorsement on the back thereof reading as

follows: "Rec'd three hundred shares of the Fibre Ware, as per within contract; Henry Carmichael, July 13, 1882."

X 127. Will you examine the original book of certificate of stock of the Fibre Ware Company, now before you, and state to me the date of the transfer to Prof. Carmichael, by the Fibre Ware Company, of the stock of Messrs. Chisholm & Stevens, as stated in your last answer, forming a part of the 450 shares which constituted the consideration of the agreement of Sept. 9, 1882.

Ans. One certificate is dated September 28, 1882, and the other, September 30, 1882.

X 128. Will you read the memorandum contained on the stubs of said certificates, as found in that original book?

Ans. No. 134. 75 shares. Date, September 28, 1882. Issued to Henry Carmichael, of Brunswick, Me. Received the above described certificate, F. J. Rollins, given to C. F. Libby, Sept. 29, 1882.

No. 135. 75 shares. Dated September 30, 1882. Issued to Henry Carmichael, of Brunswick, Me. Received the above described certificate. F. J. Rollins dlvd. same day to C. F. Libby.

X 129. In whose handwriting are the written words: "F. J. Rollins given to C. F. Libby, September 29, 1882," on stub of certificate 134; and the words: "F. J. Rollins dlvd. same day to C. F. Libby," found on stub of certificate 135?

Ans. They are in my handwriting.

X 130. Refreshing your recollection from the memoranda made by you on the stubs of these certificates, as to the time when they were delivered to me, as attorney for Prof. Carmichael, are you now able to state whether or not the original agreement of September 9, 1882, executed by Prof. Carmichael—being exhibit No. 8, had been delivered by me, or by Prof. Carmichael, to you, or to the Fibre Ware Company, on or prior to the 15th day of September, 1882?

Ans. I cannot. It is possible that I am mistaken in my

recollection, and it is also possible that the agreements I carried to Brunswick, were the agreements of July 1, 1882.

X 131. Do you wish, in view of the facts to which I have called your attention, to change again your testimony as to the time when the original agreement of September 9, 1882, forming Exhibit No. 8, was delivered to you, (as you state, in your corrected testimony, at the commencement of this session) by me on the 14th day of September, 1882, after, as you stated, in making the correction, you had given a good deal of thought to the matter since the adjournment on Saturday last?

Ans. I do not, at this stage of the examination, as the adjournment of this hearing within ten minutes now seems probable. While I have given a good deal of thought to this matter, since the adjournment of Saturday afternoon last, I had not consulted any memoranda or books of record bearing upon the subject, until the examination of these stubs of certificates, just now called to my attention. I will, however, between now and the time to which this hearing shall be adjourned, make such examination as will enable me to determine whether or not I wish to change my evidence.

X 132. Are you still willing to swear that I, as attorney for Prof. Carmichael, delivered to you on the 14th day of September, 1882, the agreement of September 9, 1882, forming Exhibit No. 8, before I, as such attorney, had received the certificates of stock, which constituted the consideration of that agreement?

Ans. I am not willing to swear with the same degree of confidence—neither am I yet willing to admit that such was not the fact.

[Adjourned here at 12:45 P. M., to 9:30 A. M., June 1, 1886.]

[June 1, 1866, met pursuant to adjournment, same parties present, at same place.]

X 133. In your answer to Int. 131, you stated that you were not then prepared to answer the interrogatory, but that you would, during the adjournment, make such examination as would enable you to state whether you wished to change your testimony. If you now desire to make such change, at the commencement of this session, I offer you the opportunity.

Ans. I do not wish to change my evidence. I have made an examination of the Stock-Book and Letter-Book of the Fibre Ware Company, and find that on the 11th day of July, 1882, Grenville M. Stevens delivered to me, as trustee, certificate No. 71, for 75 shares of the capital stock of the Fibre Ware Company. Under an arrangement heretofore mentioned in my evidence, whereby each stockholder was to surrender 25 per cent. of his stock, this certificate was surrendered, and certificate No. 120 was made out in my name, as trustee, for 63 shares and certificate No. 121 also in my name as trustee for 12 “
—
making total, 75 “

These last named certificates were dated August 23, 1882, and were signed by Hugh J. Chisholm, Treasurer, notwithstanding the fact that he had resigned the treasuryship July 19, 1882, and I had been chosen his successor. On or about this same date of August 28, 1882, Mr. Stevens paid me whatever if anything he was owing me, and he had therefore become entitled to this stock. Instead of taking it, however, he left it in my hands, as trustee, for Prof. Carmichael, and I could have turned it over to him any time thereafter, one day as well as another. In his surrender of 25 per cent. of his stock, he had included his 75 shares standing in my name, as trustee, represented by certificate No. 71; so there was no necessity of dividing the certificate, but it was done in manner above stated.

On this same 11th day of July, 1882, Hugh J. Chisholm

held certificates for a large number of shares of the capital stock of the company, and among them certificate No. 65,	
for	978 shares,
from which he surrendered	156 shares,
(a part of his 25 per cent. contribution), and	—
made certificate No. 128, dated August 23,	
1882, for	822 shares.

He had also signed this certificate, as Treasurer, but he gave me, the actual Treasurer, the certificate with instructions to make a new one in his name for 747 shares and another in Prof. Carmichael's name for 75 shares,

and certificates Nos. 133 and 134, respectively, were accordingly made and signed by me, as Treasurer, 822 shares.

It will be seen that while Prof. Carmichael had not actually received his certificates, the 150 shares of stock were nevertheless his, and I held them for him until I delivered the certificates thereof to Charles F. Libby, his attorney, as soon as I could secure the signature of the President of the company thereto. Col. John T. Richards, President of the company, was absent from home at the time, and there was therefore considerable delay.

An examination of the certificate book will show that certificates numbered from No. 96 to No. 133, dated from July 28, 1882, to September 18, 1882, were erroneously signed by Hugh J. Chisholm, Treasurer. In the same way, he signed the Carmichael contract of September 9, 1882, signed by him as Treasurer, and by Charles D. Brown, C. B. Gardner, Franklin J. Rollins and George H. Knight, Directors.

It will also show that the first three certificates issued by me, as Treasurer, were those numbered 133, 134 and 135, the last two being for 75 shares each, in the name of Henry Carmichael. The Stevens certificate, numbered 71, and the Chisholm cer-

tificate, numbered 65, both bore the stamp that they were issued in payment for patents and machinery.

The letter-book of the Fibre Ware Company, page 287, shows copy of a letter to John T. Richards, dated August 16, 1882, which says: "I send you by express Fibre Ware Company certificate of stock book," and asks, "Will you please sign 30 certificates? We want them at once for the Portland subscribers; also to issue new certificates to the larger holders of stock, as you know we have agreed to do with Mr. Rollins, on the part of the syndicate." There is no reasonable doubt in my mind, that he signed certificates numbered from No. 101 to No. 132.

[*Witness requests that his examination be suspended here, that he may attend to some matters of personal concern; and such suspension is agreed to by counsel.*]

JUNE 4, 1886, 9:30 A. M.

Cross-Examination by MR. LIBBY resumed.

X 134. At the last session of your examination, on June 1st, you made a somewhat lengthy statement as to the time and circumstances attending the transfer of stock to you by Mr. Stevens, which finally was transferred to Prof. Carmichael, in consideration of the contract of September 9, 1882, said transfer not having been made to me as his attorney, as shown by the stub of your book of certificates, until September 30, 1882. What I now wish to ask is substantially what I asked you in Int. 132, before you had made the above statement.

[*Question 132 repeated.*]

Ans. It was my very decided impression and firm belief, based wholly on recollection, without the aid of any memoranda

or other written evidence, that you handed me, on the 14th of September, 1882, this contract and license, dated Sept. 9, 1882. I know that you handed me an envelope on that occasion with some papers in it. I know that I had the envelope at my interview with Prof. Carmichael the next morning. I remember that the envelope had your return notice on the left hand end. I have been informed by you that you did not give me this contract until September 30, and I have no doubt whatever that your statement is entirely true, and that therefore mine must have been erroneous. It is rather hard to place events in the order of their occurrence after an interval of some four years.

X 135. Were you in Brunswick, at Prof. Carmichael's house, at any other time than Sept. 15, 1882, in that year?

Ans. I was not. I never was at the house, where he then lived, but once.

X 136. You mean in the year 1882, I suppose?

Ans. In the year 1882.

X 137. Were you present, in Brunswick, where you saw him at any other place than his house, except on the date mentioned, in that year?

Ans. I dare say I might have seen him several times. I don't remember when or where—except that I did not see him at his house.

X 138. By "seeing him," in the above question, I don't mean catching sight of him, but having an interview with him.

Ans. I supposed you alluded to an interview, rather than mere sight-seeing, and answered accordingly.

[*Examination suspended, at 10.40 A. M. at the request of Carmichael's Counsel, to enable him to attend to a business matter in Court.*]

X 139. What enables you to speak with so much positiveness to the point that you had only one interview with Prof. Carmichael, in Brunswick, in the year of 1882?

Ans. I do not say that. I had but one interview with him at his house.

X 140. What enables you to be so positive that you did not have more than one interview with him at his house, in Brunswick in the year 1882?

Ans. I had no occasion to see him at his house prior to this visit of Sept. 15th, nor subsequent thereto, according to my best knowledge and belief. I remember this visit of Sept. 15th, 1882, with clearness and distinctness.

X 141. Does it stand out in your memory distinctly as your first interview with Prof. Carmichael, in Brunswick?

Ans. It stands out distinctly in my memory as my first and only interview with him, at his house in Brunswick, during 1882.

X 142. Did any one accompany you at this visit?

Ans. There did.

X 143. Who was it?

Ans. Charles B. Gardner.

X 144. And was he present during the interview you have detailed, with Prof. Carmichael?

Ans. He was.

X 145. How do you fix the date of September 15, 1882?

Ans. I fix it because I remember that I visited Prof. Carmichael's house the next morning, after giving you the check before alluded to in this examination; because of the date of the supplemental contract, also heretofore alluded to; and because of a writing made by me at Prof. Carmichael's house, which bears the date of September 15, 1882, upon it.

X 146. When did you first meet Prof. Carmichael, to know him, and where?

Ans. I first met him in Portland, in August or September, 1882, in connection with the settlement of his claim against the Fibre Ware Company, or the enlargement of his contract with the Fibre Ware Company heretofore mentioned in this examination.

X 147. Were you and Mr. C. B. Gardner at Prof. Carmichael's house at any other time in 1882, than the time mentioned, Sept. 15 ?

Ans. We were never there together except Sept. 15, 1882.

X 148. Are you positive on that point ?

Ans. I am.

X 149. Did his presence, at that time, have anything to do with the making of the contract for toy-yachts, which you have mentioned ?

Ans. I don't know that it had anything particular to do with it. We went together to get Prof. Carmichael's formula for treating ware, and the contract regarding toy-yachts had previously been agreed upon in Mr. Libby's office, and Prof. Carmichael had promised to give it, by a separate instrument in writing, and he did so at that meeting.

X 150. Was this the first time that Mr. C. B. Gardner had met Prof. Carmichael ?

Ans. I am unable to say.

X 151. Do you remember of applying to me for a letter of introduction for yourself and Mr. C. B. Gardner, to Prof. Carmichael ?

Ans. I do not.

X 152. Did you ever obtain such letter from me, and afterwards deliver it to Prof. Carmichael, in Brunswick ?

Ans. I have no recollection of so doing.

X 153. I produce a letter reading as follows :

" Law Office of
CHARLES F. LIBBY,
34 Exchange St.

PORTLAND, ME., Aug. 19, 1882.

" *Prof. Carmichael :*

" Allow me to introduce to you Mr. F. J. Rollins and Mr C. B. Gardner, the gentlemen who were expected take hold of the management of the Fibre Ware Company. They would

like to talk with you before putting their money into the concern, so that they may understand exactly the situation.

“Yours truly,

“C. F. LIBBY.”

And ask you to examine it and state whether or not you received it from me at its date, and used it for the purpose therein indicated ?

Ans. I do not remember any such letter. It may have been handed to Mr. Gardner, or it may have been handed to me. On reflection, I now remember that I met Prof. Carmichael at a meeting of the stockholders of the Fibre Ware Company, on July 19, 1882 ; so there would seem to have been no need of an introduction ; and I cannot see why I should have asked it.

X 154. Do you mean by that that I wrote that letter without your applying to me for it ?

Ans. I cannot say whether I applied for it or you volunteered it—if I had anything to do with it.

X 155. Will you state whether or not you did apply to me for that letter, and stated to me the fact that you desired it for the reasons stated therein ?

Ans. I have no recollection about it.

X 156. I see that before answering the last question, you have consulted a book, which appears to be a diary ; and I would ask whether or not you were able, after consulting it, to state where you were or went, on the 19th day of August, 1882 ?

Ans. The book which I went for, and now have before me, is not a diary in one sense. It is a record of adjustments of fire-losses ; and I merely consulted it to see if it showed that I was away from Portland at that date. It does not show that I was, nor where I went, nor where I was on the 19th day of August, 1882.

X 157. Will you examine the envelope which I produce accompanying the letter already shown you—the envelope having upon it the written address as follows :

“ PROF. HENRY CARMICHEL,
Brunswick.

Introducing
Mess. Rollins & Gardner.” }

and state whether or not, you delivered the letter of introduction which I have already showed you in this unsealed envelope to Prof. Carmichael, in Brunswick, at his house.

Ans. I have not the slightest recollection of the letter, or the envelope.

X 158. In view of this letter and envelope to which I have called your attention, do you now wish to change any of your previous testimony which you have given ?

Ans. I do not, only so far as to say that I first met Prof. Carmichael, as I now recollect, on the 19th day of July, 1882, as I have before stated. I have no recollection of ever seeing the letter or envelope before.

X 159. Do you mean by that, that you have any doubt that this letter was written by me on your application, at the date it bears ?

Ans. I have no doubt it was written by you on the date it bears ; and it may have been at my request, or upon the request of C. B. Gardner.

X 160. Was C. B. Gardner a resident of Portland ?

Ans. His family did not reside in Portland. He was, and had for some years previous been much in Portland, and until the spring of 1882 had been manager of the National Bell Telephone Company, of the State of Maine, stopping most of the time with his wife's brother, Payson Tucker.

X 161. At the time this letter of August 19, 1882, was written, had I, so far as you know, any acquaintance with Mr. C. B. Gardner ?

Ans. I have no means of knowing that you had.

X 162. At the time this letter was written by me, had you

and I had a personal acquaintance of quite a number of years standing?

Ans. I think we had been acquainted since 1863.

X 163. What time in the day, on September 15, 1882, did you go to Brunswick, and how long did you remain there?

Ans. I went there on the 7 o'clock morning train, but cannot say whether I returned on the noon train, or went East.

X 164. How long were you at that time at Prof. Carmichael's house?

Ans. We arrived at the house, probably at half past eight, and remained about an hour or an hour and a half.

X 165. You speak, in your previous testimony, of being in Brunswick with B. F. Brown on the 7th day of March, 1884. What time did you arrive in Brunswick on that day, and how long did you remain?

Ans. We arrived there about 6:30 P. M. and remained until midnight, or thereabouts, leaving on the midnight train for home.

X 166. Is your memory quite clear on this point?

Ans. It is.

X 167. Where did you and Mr. Brown dine that day?

Ans. We dined at the house of Mr. Lombard, at North Gorham, Maine.

X 168. Were you and Mr. B. F. Brown ever at Prof. Carmichael's house, in Brunswick, at any other time than on this 7th day of March, 1884?

Ans. Only at the time designated.

X 169. Where did you and Mr. Brown take supper on that day?

Ans. At the eating house at the station.

X 170. Did you ever take any meal with Mr. Brown at Prof. Carmichael's house?

Ans. I think some ice cream and cake was given us during our tarry there.

X 171. In your answer to the 6th Int. you state that Prof. Carmichael "made rough sketches illustrating the ideas of Mr. Bodge and his own, in regard to methods of forming pulp ware." Please state what ideas of Mr. Bodge, and what ideas of his own, he so illustrated.

Ans. He some time, in the spring or early summer of 1882, had, as he represented, been at Waterville, and Mr. Bodge had then talked with him about a plunger machine. I explained to him that he had abandoned that idea and was then using a different process in connection with a rubber bag or diaphragm—I don't know which term I used; that I had seen a pail formed upon the machine, which seemed to be perfect in form, though lacking in compactness. I also spoke of a suggestion made by Mr. Chisholm frequently that a dome should be affixed to the machine, so that hydraulic pressure could be applied, and that it was my impression that the company were then constructing such a machine. I do not remember the exact language used, but have given the substance of it.

X 172. My inquiry was what ideas of his own, and what ideas of Mr. Bodge, he illustrated by sketches, as stated in the quotation from your answer to the 6th interrogatory.

Ans. He made various sketches. I do not recall which he made as his, and which as Mr. Bodge's.

X 173. What ideas of "his own in regard to methods of forming pulp ware" did he illustrate to you by sketches, as stated in your answer to the 6th interrogatory?

Ans. The inclosing of the barrel or cylinder at the top, so as to apply pressure, being the same as Mr. Chisholm had illustrated to me and others in my presence several times previously.

X 174. Applying pressure in what way?

Ans. Hydraulic pressure.

X 175. With or without the use of a rubber diaphragm?

Ans. With the use of a rubber diaphragm—both Chisholm and Carmichael.

X 176. What ideas of Mr. Bodge did he illustrate by sketches at that time?

Ans. He said that Mr. Bodge was using the plunger machine and I think he so illustrated.

X 177. In your answer to Int. 9 and also in your answer to Int. 171, you say that you had seen a pail formed on the machine marked Bodge Exhibit No. 2, with a rubber diaphragm therein. Will you please state when that was, and in what way the machine operated to form the pail, and how the parts were adjusted?

Ans. It was on the 17th day of August, 1882. The rubber was applied to the lower end of the barrel or cylinder, drum-head fashion, and a string tied around the barrel. Pulp was forced in and the diaphragm was expanded thereby and by the former. This barrel set upon a frame, and the pulp was forced up between the perforated former and the rubber diaphragm. I stood close beside the machine and witnessed the expansion of the rubber and its subsequent contraction. The barrel or cylinder had no top to it, so that the expansion and contraction could be watched. There was no pressure other than atmospheric, and the contracting power of the rubber applied to the outside of the diaphragm.

X 178. How was the atmospheric pressure obtained?

Ans. I know of no other way than by suction from beneath. I did not witness that part.

X 179. Was this machine, on which you saw the pail formed, on the 17th day of August, 1882, a plunger machine, which had formerly been in use at the factory at Waterville?

Ans. I had never seen a plunger in the machine.

X 180. Do you see a plunger by the side of it now; and if so, have you ever been informed that that plunger was formerly a part of the machine, when it was operated as a plunger machine?

Ans. I see before me what is said to have been a part of a

plunger ; and I have been told that it was formerly in use with a cylinder or barrel as a plunger machine.

[Adjourned to June 5, 1886, 3 P. M.]

JUNE 5, 3:10 P. M.

X 181. When did you first learn that Prof. Carmichael claimed that he had communicated his invention to Mr. Bodge, in July, 1882 ?

Ans. I never heard of any interview between Prof. Carmichael and Mr. Bodge until the morning of the 15th of September, 1882 ; and then is as early as I could have heard it, if he then claimed it.

X 182. When did you first learn that he claimed to have made sketches of his invention, showing its operation, upon an envelope, for Mr. Bodge ?

Ans. When I was at Prof. Carmichael's house, the evening of March 7, 1884, as I now believe.

X 183. Under what circumstances ?

Ans. When he brought into the rooms at his house, where I then was, the envelope upon which were marks with a blue and red pencil, with Mr. Putnam's return notice on the end.

X 184. What did he say about it ?

Ans. He said that he had conceived the same invention, that Bodge was then using, in 1882. This was the substance of his statement.

X 185. Did he say nothing about the envelope that he showed you ?

Ans. The envelope was before us.

X 186. What connection had the envelope with his statements ?

Ans. He referred to a sort of double machine illustrated by his sketches, showing a rubber diaphragm, and how hydraulic pressure might be applied; and I told him that I had seen Mr. Chisholm make similiar sketches before I ever put a dollar of money into the company. I asked him if he had ever made, in his laboratory, or elsewhere, experiments to demonstrate the practical workings of his conceived invention. He said he had not. I then remarked that his conceiving the invention was all the claim he had. If he made any reply, I have forgotten it. I suggested it interrogatively—or rather remarked it interrogatively.

X 187. Where did the statement come in, that connected Mr. Bodge with that envelope, and gave you the first knowledge that Prof. Carmichael claimed that the sketches had been made for Mr. Bodge, as stated in your answer to the 182d interrogatory?

Ans. I think he claimed that these illustrations were made in Mr. Bodge's presence, or had been shown to Mr. Bodge.

X 188. What comment or reply, if any, did you make to Prof. Carmichael, at the time that he made such statement? .

Ans. I do not think I made any reply to it.

X 189. In your reply to the 48th Int. as to the statement made by Col. Richards at the meeting of September 7, 1883, you were asked to state the price that Mr. Bodge demanded for the sale to the company, of his invention. In giving your answer, you read from the records of the Fibre Ware Company. Will you please give the whole communication from Mr. Bodge on this matter, as spread upon the records?

Ans. The following proposition was received from Mr. Bodge through his attorney, Mr. Newell:

To the Fibre Ware Company: Mr. Bodge offers through his attorney, Mr. Newell, to license the Fibre Ware Company to manufacture pails and other ware, by the processes which he has perfected in the mills and at the expense of said company.

Second. He, Mr. Bodge, through his attorney, Mr. Newell,

offers, for a consideration of ten thousand dollars (\$10,000) in cash and fifteen thousand dollars (\$15,000) in stock of the Fibre Ware Company, to be paid in one year's time, to assign any patents which he has or may obtain, upon said processes as above, with the understanding that the capital stock of the said Fibre Ware Company shall not exceed one hundred and twenty-five thousand dollars (\$125,000), to be made up of money paid in plant, Prof. Carmichael's patents and his said Bodge's patents. He further agrees to give said company one year to test the value of said patents, and elect whether or not they will take said patents at said price, the company binding themselves, if they decide that they will not take the patents, that they will not enter into any law suit on account of them, nor make him any cost; and that they will have the pending injunction dissolved; also that they shall defend any suits that may be brought for infringements by any parties during the said term of one year, unless they may decide sooner not to take the patent.

He further agrees, should the company decline to take said patents, that he will refund the said company the amount that they have expended in experimenting, and take out the machine.

Signed,

JOHN T. RICHARDS.

X 190. Did the company accept this proposition?

Ans. They did not.

X 191. What was the pending injunction referred to in Mr. Bodge's foregoing proposition, which he stipulated that the company should have dissolved?

[*Objected to—as calling for parol evidence to prove matter of record.*]

Ans. An injunction to restrain him, Bodge, from assigning his patents.

X 192. On what grounds had the company applied for that injunction?

[*Objected to—calling for parol evidence concerning a matter to be proved properly by the record.*]

Ans. On the ground that he had been employed by the company to invent or perfect a pail machine, and that the sal-

ary which they had agreed to pay was to be in full compensation for his inventive services.

X 193. To whom was the patent finally transferred by Mr. Bodge, after this injunction was obtained, and at what time, if you remember?

Ans. It was assigned to me, on the 9th day of April, 1884.

X 194. If you have the original assignment, will you allow the Examiner to make a copy to make a part of your deposition?

[*Objected to—immaterial.*]

Ans. I have neither the original, nor a copy.

X 195. Where is the original assignment to you from Mr. Bodge of this patent?

Ans. I do not know; I think it is with the Treasurer of the Indurated Fibre Company.

X 196. For whose benefit did you take the assignment of this patent, as stated by you?

Ans. For the benefit of the company, just previously organized, under the name of the Indurated Fibre Company.

X 197. Did this company succeed to the property and business of the Fibre Ware Company?

Ans. It did.

X 198. Does the Indurated Fibre Company bear the expense of these Interference proceedings in defending the patent of Mr. Bodge, now owned by them?

[*Objected to—immaterial and irrelevant.*]

Ans. It does.

X 199. Where is the mill of the Indurated Fibre Company, in which pails are made by them, under the Bodge patent?

Ans. At North Gorham, Cumberland Co., Maine, 12 or 14 miles from this city.

X 200. How far from the mill of the Sebago Wood Board Company, in Windham?

Ans. The mills of the Sebago Wood Board Company are

some four or five miles nearer this city—both being on the Presumpscot river.

X 201. Who are the officers of the Indurated Fibre Company?

[*Objected to—immaterial and irrelevant.*]

Ans. Charles D. Brown, President; Charles A. Brown, Secretary; E. B. Denison, Treasurer; the Directors are Charles D. Brown, Charles A. Brown, and Franklin J. Rollins, all of Portland; Charles H. Anderson and B. Frank Brown, both of Concord, N. H.; and George W. Russell, of Lawrence, Mass.

Re-Direct Examination by MR. LUNT.

R. D. 202. In your answer to X Int. 145, "How do you fix the date of September 15, 1882," you replied: "I fix it because I remember that I visited Prof. Carmichael's house the next morning after giving you the check before alluded to in this examination; because of the date of the supplemental contract also heretofore alluded to; and because of a writing made by me at Prof. Carmichael's house, which bears the date of Sept. 15, 1882 upon it." What was the writing then and there made by you, and will you produce it, if you have it, and state any circumstances connected with the making thereof, which you remember?

Ans. It is a check drawn by me on the Merchant's National Bank, of Portland, Maine, for \$179.75, given to Prof. Carmichael in payment of C. C. Hutchin's bill for services and expenses in connection with the Treatment House, at Brunswick. It is payable to C. C. Hutchins or order, and was written with a fluid pencil which Prof. Carmichael courteously loaned me. The fluid pencil was somewhat out of order, and he questioned my ability to write with it.

[*Said check here introduced and marked "Bodge Exhibit No. 10,—A. H. D., Ex'r, June 5, 1886."*]

[Adjourned to Monday, June 7, 1886, at 9:30 A. M.]

JUNE 7, 1886, 9:30 A. M.

[Met pursuant to adjournment, at the same place, same parties present.]

R. D. 203. Referring to your last answer in which you produced a check written at Prof. Carmichael's house, have you certain other checks written on the same day by you at another place, and with another pen or pencil, and also checks written by you the day before, and also the check delivered to Mr. C. C. Hutchins for his work or services previously rendered? If so, will you produce such checks?

[*Objected so—as immaterial and irrelevant.*]

Ans. I have such checks; one check dated Sept. 15, 1882, is upon Merchant's National Bank, of Portland, for the sum of \$200,—payable to Chas. B. Gardner; another dated Sept. 15, 1882, drawn upon the same Bank for \$356.78, and is payable to J. G. Bodge, Supt. Fibre Ware Co.; another drawn Sept. 14, 1882, for the sum of \$800,—is payable to W. B. Arnold & Co.; another drawn Sept. 14, 1882, for the sum of \$225,—is payable to Fibre Ware Co.'s note, or bearer; another dated Aug. 17, 1882, is drawn upon the same Bank to order of C. C. Hutchins, on account of the Fibre Ware Co.; this last named check is a Casco National Bank check, changed so as to read Merchant's National Bank, and is numbered 495.

[*Five checks introduced and marked "Bodge Exhibit No. 11,—A. H. D., Ex'r, June 7, 1886."*]

R. D. 204. In your answer to X Int. 163 you state, in ref-

erence to your going to Brunswick on Sept. 15, 1882, "I went there on the 7 o'clock morning train, but cannot say whether I returned on the noon train, or went East." Does a reference to the checks introduced enable you to now state whether you returned to Portland or went East at that time?

Ans. A reference to the checks introduced and other documentary evidence enables me to say that I returned to Portland on the noon train of Sept. 15, 1882, and did not go East until the following Monday.

R. D. 205. With what kind of writing instruments did you write the five checks, Bodge Exhibit No. 11?

Ans. With an ordinary gold or steel pen.

R. D. 206. Where were the checks, Bodge Exhibit No. 11, written, in what city or place?

[*Objected to as immaterial and irrelevant, and as not relating to any matter brought out on cross-examination.*]

Ans. At my office, 22 Exchange St., Portland, Maine.

R. D. 207. State whether you were in the habit of using at about that time, when those checks were drawn by you, a fluid pencil?

Ans. I was not in the habit of using a fluid pencil.

R. D. 208. When on Sept. 15, 1882, that is to say, in what part of the day, did you write the two checks, one to Chas. B. Gardner, and the other to J. G. Bodge, Supt. Fibre Ware Co.?

Ans. In the afternoon of that day.

R. D. 209. In your answer to X Int. 134, put by Mr. Libby, you state: "I have been informed by you that you did not give me this contract until September 30th, and I have no doubt whatever that your statement is entirely true, and that therefore mine must have been erroneous." Previously in the same answer you stated: "It was my very decided impression and belief, based wholly upon recollection, without the aid of any memoranda or other written evidence, that you handed me on the 14th of September, 1882, this contract and license dated

September 9, 1882. I know that you handed me an envelope on that occasion with some papers in it. I know that I had the envelope at my interview with Prof. Carmichael the next morning. I remember that the envelope had your return notice on the left hand end." Are you able now to make any statement explaining or making certain the fact of the delivery to you, or possession by you, of any papers or contracts referred to in said answer, and if so, will you proceed?

Ans. As I have quite a number of times stated, I had delayed putting money into the Fibre Ware Company, contributed by my friends of what had been termed a syndicate, until this matter of Prof. Carmichael's had been fully settled; and it seems to me now that Mr. Libby must have been mistaken in his statement that he did not deliver me this contract until September 30, 1882. He might have entrusted it to me without considering it a formal delivery. We had no occasion while at Brunswick to refer to this contract, and I need not at any stage of these proceedings have alluded to it, as it was voluntarily brought in by me. An envelope of about nine inches in length I certainly had with me at Prof. Carmichael's house on September 15, 1882; and I remember distinctly of comparing the return notice on the left hand end thereof with the envelope having Mr. Putnam's return notice on the end, upon which illustrations had been or were afterwards made. One envelope requested return to Chas. F. Libby's Law Office, 34 Exchange St., Portland, Me., and the other Mr. Putnam's post office box number. I remember of inquiring of myself which was the better form of return notice.

R. D. 210. Referring to your last answer where you state: "I had delayed putting money into the Fibre Ware Company, contributed by my friends of what had been termed a syndicate," and also to that part where you say in reference to the envelope having Mr. Putnam's notice on the end: "Upon which illustrations had been, or were afterwards made." Had you personally

invested some money in the Fibre Ware Company, previous to September 15, 1882; and in reference to the envelope, to what time do you allude when you say "Upon which illustrations had been or were afterwards made"?

Ans. I had, as I have before stated, paid certain notes and bills of the Fibre Ware Company to the extent of some \$500, or thereabouts. The time to which I allude when I say "upon which illustrations had been or were afterwards made," was at what time of that very day. I do not remember whether the comparison of return notices was made before or after the illustrations made at his house in my presence on that day with the pencil blue at one end and red at the other.

R. D. 211. I believe you have stated that you were elected Treasurer of the Fibre Ware Company on July 19, 1882. Will you please state when you took charge, if you ever did, of the books and papers relating to the business of that office, and entered upon the performance of the duties thereof? State all the circumstances relating to your assuming the duties, and to your possession of stock certificate book, etc.

Ans. I find, on reflection, that I declined to accept the office of Treasurer to which I had been elected on the 19th of July, 1882, until I and my friends had fully decided whether or not to take the large amount of stock we had agreed to purchase in event the patents were found satisfactory. They were not found satisfactory, and quite a number of the contemplated syndicate declined to invest in the stock. The contract or license with Prof. Carmichael, dated July 1, 1882, was very far from satisfactory, and until that was modified I did not accept the treasurership, and Mr. Chisholm continued to act as Treasurer of the company. The modified contract, dated Sept. 9, 1882, was constructively, at any rate, in my possession on Sept. 15, 1882, and Prof. Carmichael had, on that day, given me the formula for treating ware named in said contract, and had also given me the supplemental contract relating to toy yachts,

dated that day, and it was then that I fully decided to put my money and the money of my friends into the stock of the Fibre Ware Co. On Monday morning, the 18th of September, 1882, I went to Rockland, Me., and on my return next day, I notified Mr. Chisholm that I would assume the duties of the office of Treasurer of the Fibre Ware Co. Mr. O'Brien had been clerk for Mr. Chisholm, Treasurer of said company, and he continued to perform the clerical duties of the office under me. The account books of the company were kept in Mr. Chisholm's office in Portland, until Mr. O'Brien took them to Waterville a short time subsequent, where they were afterwards kept until the fire of March, 1884. The certificate of stock book was taken by me about this 19th of September, 1882, and was the only book kept at my office, 22 Exchange Street, Portland.

R. D. 212. Were any certificates of stock put into your hands by the company in the month of September, 1882, to hold as trustee for any purpose?

Ans. There were one hundred and fifty shares of stock placed in my hands by Hugh J. Chisholm and Grenville M. Stevens, in August or September, 1882, to be used by me in payment of Prof. Carmichael for the contract dated Sept. 9, 1882. Stevens and Chisholm each contributed seventy-five shares thereof.

R. D. 213. In your answer to X Int. 102 you state in substance that at the interview of September 15, 1882, Prof. Carmichael produced his formula and then made an explanation concerning the use of "linseed-oil." Will you please produce and permit to be used as an exhibit the formula then delivered to you by Prof. Carmichael, and state whether or not the formula and process was then for the first time made known to you?

Ans. Here is the formula. [Formula introduced and marked "Bodge Exhibit No. 12,—A. H. D., Ex'r, June 7, 1886," written on two sheets of paper.] The formula was then for the first time made known to me.

R. D. 214. In whose handwriting is Bodge Exhibit No. 12, the formula?

Ans. In Prof. Carmichael's.

[Re-direct examination closed here.]

Re-Cross-Examination by MR. C. F. LIBBY.

R. X 215. From your answer to the 209th Int. I am unable to determine whether you wish to be understood as swearing that the agreement of September 9th, 1882, was in fact delivered by me to you on September 14th, 1882. Will you please make your testimony on that point explicit?

Ans. I cannot help thinking that you delivered this contract to me on the 14th day of September, 1882, with the expectation that I should go to Brunswick the next day and might desire to refer to it in procuring the supplemental contract which Prof. Carmichael saw fit to give me on the 15th day of September, 1882; it may be with the understanding that it should be given you again on my return from Brunswick. It is a matter to which I have given most thoughtful consideration, and have tried to reconcile your statement that you did not give it to me until September 30th, with my recollection of having it at Prof. Carmichael's house in Brunswick, on September 15th, 1882. We had no occasion to use the contract on said 15th day of September, as I now remember.

R. X 216. In your statement made at the commencement of the morning session of May 31, you stated that the contract of Sept. 9, 1882, was delivered by me to you on the 14th day of September; and subsequently in your answer to the 134th Int. I understood you to modify your statement in that regard. What I wish to ask you is, are you now willing to swear definitely that you received the contract of Sept. 9, 1882, from me on the 14th day of September, 1882.

[*Objected to as matter not inquired of on the Re-direct.*]

Ans. I cannot swear definitely in regard to the matter.

R. X 217. What have been your relations with Prof. Carmichael since September, 1882, up to this time ?

[*Objected to as before.*]

Ans. Pleasant, friendly relations.

R. X 218. Whether or not during the past year you have entertained him as your guest at your invitation ?

Ans. I have at the Waldo House, Little Chebeague Island.

FRANKLIN J. ROLLINS.

[Adjourned here at 12 M. to 2 P. M. of the same day.]

JUNE 1, 1886, 10:45 A. M.

GEORGE S. WINN,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by WILBUR F. LUNT, ESQ., Counsel for Bodge, as follows, to wit :

Int. 1. Please give your name, age, residence and occupation.

Ans. George S. Winn; 42 years; Portland; book-keeper.

2. Where were you employed, and in what capacity, in the year 1882, from July 1, to November 1, inclusive ?

Ans. I was in the office of Franklin J. Rollins, Collector of Internal Revenue, as clerk for him, at 22 Exchange St., Portland.

3. During what period were you there employed by Mr. Rollins ?

Ans. From August, 1877, to October, 1884.

4. Will you please to state, whether or not any pencils were there kept, or used in the office of Mr. Rollins, while you were so employed by him ? And if so, what kind ?

Ans. We used the ordinary black lead pencil—used in all offices. We also had some octagonal shaped pencils, with two colored leads—red at one end and blue at the other.

5. In the months of July, August and September, 1882, were such octagonal pencils, marking red at one end and blue at the other—there in Mr. Rollins' office?

Ans. There were such pencils there.

6. Where were they kept?

Ans. They were kept about Mr. Rollins' roll-top desk, in a parting—pigeon-hole you might call it—in the top part of the desk.

7. Will you please look at Bodge Exhibit No. 1, and state whether you perceive any point of similarity in that pencil, to those which Mr. Rollins so kept in his desk?

Ans. I should say it was one of the same pencils.

8. Calling your attention to the box, now before you, marked: "Bodge Exhibit No. 9,—A. H. D., Ex'r, June 1, 1886," with its contents, consisting of three pencils and a label, state whether or not you recognize the box or have seen it before,

Ans. I do recognize it, and have seen it a great many times.

9. Where was that box kept and what did it contain?

Ans. It was kept in one of the pigeon-holes in the top of Mr. Rollins' desk; and contained pencils like this one tagged: Bodge Exhibit, No. 1.

10. Do you know whether or not, in the summer and fall of 1882, Mr. Franklin J. Rollins carried such a pencil as this one: Bodge Exhibit No. 1?

Ans. It was invariably his custom to carry such a pencil.

11. State whether or not you have seen Mr. Rollins use such a pencil.

Ans. I have.

12. How frequently?

Ans. I could not give you any particular time, but very

frequently—about checking, drawing plans for anything he wished to illustrate.

13. Are you now employed by Mr. Rollins; if not, how long since?

Ans. I am not. I left his employ on October 15, 1884.

[Cross-Examination waived.]

[Witness adds—that the pencil referred to as octagonal should properly be styled *hexagonal*.]

GEORGE S. WINN.

[Adjourned here to 2 o'clock P. M. same day.]

JUNE 1, 1886.

GEORGE J. DAMERY,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by WILBUR F. LUNT, ESQ., of Counsel for Bodge, as follows, to wit:

Int. 1. Please give your name, age, residence and occupation.

Ans. George J. Damery; 24 years; Portland; clerk and messenger for Wm. L. Putnam, counsellor-at-law.

2. Where is Mr. Putnam's office?

Ans. Portland, Maine, 36 Exchange St.

3. Does Mr. Putnam have a box in the post office at Portland?

Ans. He does.

4. What is the number of that box?

Ans. 1576.

5. How long, to your knowledge, has he had that box?

Ans. I could not say—oh, he has eight or ten years, I know, sure.

6. Will you please look at Carmichael Exhibit A, and say who wrote the address upon that envelope—the words: “Prof. Henry Carmichael, Brunswick, Maine.”

Ans. I did.

7. Where were you when you wrote that address?

Ans. I presume in Mr. Putnam’s office.

8. Were you employed in his office, on the 22d of June, 1882?

Ans. I was.

9. Will you please to examine this envelope, and state whether or not such envelopes as that were used by Mr. Putnam in 1882?

Ans. I think they were.

10. Will you state what printed words, if any, are now upon the return notice on the left hand end of the envelope, Exhibit A?

Ans. “Return to P. O. Box,” and underneath, “fo.”

11. Calling your attention to Bodge Exhibit No. 6, will you please state what words formed the return notice used by Mr. Putnam on his envelopes in 1882?

Ans. “Return to P. O. Box 1576, Portland, Me., if not called for in six days,”—as it reads now on Bodge Exhibit No. 6.

And in answer to cross-interrogatories proposed to him by Mr.

CHARLES F. LIBBY, Esq., counsel for Carmichael, he saith:

X 12. In answer to Int. 9 you say that you think envelopes like Exhibit A were in use by Mr. Putnam, in the year 1882. Is there anything peculiar about that envelope which enables you to assign it to the year 1882, rather than to any other year; or to speak definitely, as to the time in which it was used by him?

Ans. Nothing more than the return notice to it, which I think we have had four years or more, at least.

X 13. When you speak of the return notice in your last answer, do you refer to the notice on Exhibit A, or on Bodge Exhibit No. 6?

Ans. I refer to both notices, with the exception of the Bodge notice. The difference seems to be in the type—the type in the Bodge notice seems to be smaller than in the Carmichael letter—the Carmichael letter being the oldest one, I should think, from appearance. I first thought that the types were different—that one was larger than the other; but I guess they are the same, on close inspection.

X 14. Do you claim that you can determine from the few printed words now appearing on the Carmichael Exhibit A, the time when *such* an envelope was in use?

Ans. I think I could claim that that printed head has been printed there on them envelopes four years, at least, or more.

X 15. How do you reach that result?

Ans. Because seeing them every day—that kind of envelopes.

X 16. How does that enable you to determine, in which one of the four years that you say Mr. Putnam has used them, this particular envelope was used?

Ans. From the fact that the orders given to Mr. Davis to have a certain number of envelopes, when we order them, printed.

X 17. How does that fact enable you to determine the particular year in which the envelope was used?

Ans. Because the envelope speaks for itself.

X 18. Has the envelope any date showing the year upon it?

Ans. It has not, I think.

X 19. How, then, does the envelope speak for itself?

Ans. From the fact that we have been using them for at least four years or more.

X 20. What is there to show, upon the envelope itself, that it was not sent out in the year 1883 or 1884?

Ans. There does not seem to be any post-mark, to show what year it was post-marked.

X 21. As a matter of fact, are you able from an inspection of the envelope, to state in which one, if any, of the last four years that envelope was sent out?

Ans. No. I should not swear in what year it was sent out in.

X 22. Is there sufficient of the return notice left on Exhibit A, to enable you to form an opinion that that envelope had ever been in Mr. Putnam's office, did you not find upon it your own handwriting?

Ans. No. I should not swear to that—only by seeing my own handwriting there.

X 23. In your judgment, is the paper of Carmichael Exhibit A, and Bodge Exhibit No. 6, the same weight and variety of paper?

Ans. When the envelopes are ordered, word is sent to send over—or to have printed, rather—so many envelopes; and we presume that Mr. Davis sends over the same kind and quality as the former.

X 24. Will you examine the two exhibits referred to in Int. 23, and state, if you know, whether they are both of the same kind and quality of envelopes and paper?

Ans. They seem to be about of one size—the quality, I suppose, Mr. Davis could tell about.

X 25. Will you examine Exhibit No. 6, and state if you can tell in what year that envelope was sent out from Mr. Putnam's office.

Ans. There is nothing on it to indicate. I did not write that letter—I mean the address.

GEORGE J. DAMERY.

JUNE 1, 1886, 3 P. M.

DANIEL BROOKS,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by WILBUR F. LUNT, ESQ., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation?

Ans. Daniel Brooks; 47 years; Portland; clerk and book-keeper for Wm. L. Putnam, of Portland.

2. Were you employed in Mr. Putnam's office in the year 1882?

Ans. I was.

3. In that year, were any writings made in Mr. Putnam's office for Prof. Henry Carmichael, of Brunswick?

Ans. There were.

4. When and what?

Ans. In June, 1882, an agreement between Prof. Carmichael and the Fibre Ware Company.

5. Upon what size of paper was such agreement written?

Ans. Legal cap—from my best recollection.

6. What was done with the agreement, after it was written in Mr. Putnam's office?

Ans. I think it was sent to the Professor for examination.

7. Was any letter sent with it?

Ans. There was.

8. What was the date of such letter?

Ans. I think June 22, 1882.

9. Calling your attention to envelope Carmichael Exhibit A, will you please state whether this envelope was sent from Mr. Putnam's office?

Ans. I should have no doubt but what it was.

10. What other correspondence requiring transmission, in envelopes, has been sent from Mr. Putnam's office to Prof. Carmichael, since the 22d of June, 1882?

Ans. I have no knowledge of but one other letter—still there may have been others.

11 When was that other letter written?

Ans. The 27th of July, of the same year.

12. Upon paper of what size?

Ans. Note paper.

[Adjourned here at 5 P. M. to June 2, 1886, 9:30 A. M.]

JUNE 2, 1886.

[Met pursuant to adjournment, same place and same parties present.]

13. Were any other communications, in writing, sent by mail from Mr. Putnam's office to Prof. Carmichael, at Brunswick, in the year 1882?

Ans. They were none in relation to this matter.

14. Or any other matter?

Ans. No other matter, to my knowledge.

In answer to cross-interrogatories proposed to him by CHARLES F. LIBBY, Esq., Counsel for Carmichael, he saith as follows, to wit:

X 15. In answer to Int. 3, you state in substance, that in the year 1882, certain writings were made in Mr. Putnam's office, for Prof. Carmichael. Do you mean by that, that Mr. Putnam was acting at that time as attorney or counsel for Prof. Carmichael?

Ans. I do not.

X 16. What do you mean?

Ans. He was acting for both parties, as I understood—or all parties concerned.

X 17. Have you, or not, knowledge, that at that time, and for some time previous, Mr. Putnam had been counsel for the Fibre Ware Company?

Ans. I have, and I had.

X 18. Have you not knowledge, that the correspondence of your office discloses the fact that in consequence of being such counsel for the Fibre Ware Company, he could not act as attorney or counsel for Prof. Carmichael in the matters which were then pending between the latter and the Fibre Ware Company?

Ans. I have.

X 19. In answer to Int. 4, and subsequent interrogatories, you state that in June, 1882, an agreement was prepared and sent to Prof. Carmichael from Mr. Putnam's office, with a letter, dated June 22, 1882. If you have a press copy of such letter will you dictate its contents to the Examiner?

Ans. It is as follows:

PORTLAND, ME., June 22, 1882.

Dear Sir:—Your esteemed favor of 19th inst. recd. The Fibre Ware Company have left the matter in my hands, to do what I think is right between the parties. I enclose you draft of agreement for your examination. I can confer with you about it here, Wednesday, of next week, if you seasonably notify me to that effect. It does not conform exactly to your suggestions, as will be explained upon a conference, or modified.

Very Truly,

WILLIAM L. PUTNAM.

Prof. HENRY CARMICHAEL,
Brunswick, Maine.

X 20. Do you know whether or not the "draft of the agreement" sent in that letter, was subsequently modified and re-written before execution?

Ans. I do not.

X 21. Do you know what agreement, if any, was subsequently entered into by the parties, growing out of this draft?

Ans. I think it was substantially the same agreement enclosed to Prof. Carmichael in the letter of June 22d.

X 22. By "substantially," what do you mean?

Ans. I mean that the agreement, as a whole, was executed as sent.

X 23. Do you mean that there were no modifications, or changes, made in the first draft?

Ans. No, I do not. There might have been some modifications.

X 24. Are you willing to swear, that in the year 1882, and subsequent to June 22d, of that year, no other letter or enclosure was sent from Mr. Putnam's office by mail to Prof. Carmichael, than the one mentioned by you, of July 27, 1882?

Ans. I am not; for Prof. Carmichael and Mr. Putnam had personal correspondence that I had nothing whatever to do with.

X 25. If your previous testimony is to the effect that there was no other such correspondence, would you wish to modify it?

Ans. I think I modified it in my answer. I intended to do so.

X 26. In answer to Int. 13, you in substance state that there were no other communications in writing, "sent by mail from Mr. Putnam's office to Prof. Carmichael, at Brunswick, in the year 1882," relating to this matter, except the letters of June 22d and of July 27th, referred to in your previous testimony. Are you willing that that answer shall stand, as your testimony, under oath without modification?

Ans. I have not searched the files for any correspondence. The letter-book shows only these two letters.

X 27. Because you find no copies of any letters, in the year 1882, from Mr. Putnam's office to Prof. Carmichael, except the two above mentioned, are you willing to swear, as, in sub-

stance, I understand you to do in answer to the 13th Int., that there was no other communication sent by mail from Mr. Putnam's office to Prof. Carmichael in that year?

Ans. I am—with the same qualification as in my previous answer—that I have not searched the file, but only examined the letter-book.

X 28. Are you willing to swear, that on the 14th day of July, 1882, an enclosure was not sent by mail from Mr. Putnam's office to Prof. Carmichael, "relating to this matter?"

Ans. I am not—but if there was, the letter-book failed to show it.

X 29. If there was a correspondence between Mr. Putnam and Prof. Carmichael in this year 1882, with which you had nothing to do, as you have previously stated, have you any knowledge of the number of communications or enclosures sent by Mr. Putnam to Prof. Carmichael, in that year, not appearing upon your letter-book?

Ans. I have not, except in this wise: that after an agreement was executed by all the parties, a duplicate, if there was one, might have been enclosed to Prof. Carmichael, and the fact of its having so been inclosed been endorsed upon the back of the draft, with the date of the sending.

X 30. When and where was that agreement executed by the parties?

Ans. I have no knowledge or recollection.

Re-direct Examination by MR. LANGE.

R. D. 31. In answer to X Int. 26, you say as follows: "I have not searched the files for any correspondence. The letter-book shows only these two letters." Will you please state the custom in vogue at the office of William L. Putnam, in the year 1882, as to retaining by press-copying in letter-book, copies of letters mailed from said office?

Ans. It is the custom for all letters to go through the letter-book—or to have press-copies taken, or a draft of the letter put in the file to which it relates.

R. D. 32. This custom is true, whether or not letters are sent from Mr. Putnam's office, with or without your aid or knowledge, as well as during any absence on your part, from said office, is it not?

Ans. It is, invariably.

R. D. 33. Have you with you the file from the office of Wm. L. Putnam, containing papers, or relating to papers or matters of transaction between Wm. L. Putnam, Esq., and Prof. Carmichael?

Ans. I have the file which contains all the papers, within my knowledge, between the Fibre Ware Company and Prof. Henry Carmichael.

R. D. 34. Have you a copy of the original contract between the parties mentioned in your last answer, which was dated July 1, 1882?

Ans. I have.

R. D. 35. Is it contained in said file?

Ans. It is.

R. D. 36. Will you read the endorsements to be found upon said copy of original contract?

Ans. I will. They are as follows:

“Copy

Draft of contract, Fibre Ware Co., with Prof. Henry Carmichael, July 1, 1882.

Duplicate sent Carmichael June 22, 1882.

See Letter-Book.

Rec'd three hundred shares of Fibre Ware as per within contract.

(Sg'd,) HENRY CARMICHAEL.

July 13, 1882.

July 14, '82. Original sent C. D. B.”

R. D. 37. In whose handwriting are the words, “July 14,

'82. Original sent C. D. B.," as referred to in your last answer? and state if you know who is meant by the letters "C. D. B."

Ans. The handwriting is that of Mr. Putnam. I have no doubt the letters C. D. B. mean Charles D. Brown, of Portland.

R. D. 38. In giving your last answer but one, you stated that you wished to make an explanation off the record, about some dates, relating, as I understood you, to the endorsements upon the copy of the original contract. If you desire, will you please now make any explanation that you may wish?

Ans. It was this: The contract when first drawn was called "Draft of contract." It was in this condition when the endorsement, "Duplicate sent Carmichael June 22, 1882," was made. When the contract was completed and executed, this draft was completed as a "copy," and the word "Draft" stricken out, and the word copy substituted, as shown on the copy of contract, that I now hold, and the date "July 1, 1882," added.

R. D. 39. Please examine the file and contents, now in your possession, and relating to matters between the Fibre Ware Company and Henry Carmichael, as you have testified, and state whether it contains any letters or memoranda of any sort which show or indicate that any communications were sent to Prof. Henry Carmichael by mail in the year 1882, other than the two communications referred to by you in your previous testimony.

Ans. I have examined, and the papers do not show any other than I have stated.

Re-Cross-Examination.

R. X 40. When you say in answer to Int. 36, that you find a copy of the agreement of July 1, 1882, do you mean that you find a clean copy of the contract in the order and form in

which it was finally executed ; or do you find the draft of the agreement sent June 22, 1882, with numerous erasures, interlineations and additions, made on the margin and elsewhere throughout said contract—some in your handwriting, and some in the handwriting of Mr. Putnam ?

Ans. I do not find a clean copy, as I should hope the original was executed ; but I find what was a draft of June 22d interlined, erased, written on the margins in my handwriting and in the handwriting of Mr. Putnam—a copy sufficient for the use of the office, from which I could make a copy of the original paper, as executed July 1, 1882.

R. X 41. You say in your last answer : “as executed July 1, 1882.” Is there not a memorandum on the outer wrapper of that file, in Mr. Putnam’s handwriting, which says : “July 14, ’82. Closed” ?

Ans. There is such memorandum.

R. X 42. What does that mean ?

Ans. I should say that the papers were passed that day ; but executed as of July 1, 1882.

R. X 43. I understand you to state in your answer to Int. 32 that it is the invariable custom in Mr. Putnam’s office for all letters to go through the letter book, or a draft of the letter to be put in the file to which it relates. Are you willing to swear that that custom is invariable, and that communications are not sent by Mr. Putnam from his office by mail, no copies or drafts of which are retained in Mr. Putnam’s office ?

Ans. It is the invariable practice. Mr. Putnam may send some note that he does not consider of enough importance to put through the letter-press.

R. X 44. Is it not true that enclosures may be sent from your office by mail, not shown on the letter-book or your files ?

Ans. It may be true ; but if so they are enclosures by Mr. Putnam himself.

R. X 45. I show you the commencement and end of a
10—P. O.

communication purporting to be made by William L. Putnam, and addressed to Prof. Henry Carmichael, and bearing date July 14, 1882, and would ask you whether or not you recognize the parts shown you as in the handwriting of Mr. Putnam ; and whether or not you are satisfied, on seeing it, that a communication was sent by Mr. Putnam to Prof. Carmichael, on that date, which is not shown either by your letter-book or by your file of papers ?

Ans. I am satisfied of the handwriting, and that it was either sent to Prof. Carmichael, or was given him at the office ; and it is not shown on our letter-book, and on no paper in the file.

R. X 46. Have you any knowledge as to the whereabouts of Prof. Carmichael, on the 14th day of July, 1882 ?

Ans. I have no knowledge or recollection, at this date.

R. X 47. Was he in Portland on that date ?

Ans. I can't say.

DANIEL BROOKS.

JUNE 2, 1886, 12.30 P. M.

JOSEPH W. LIBBY,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by JAMES H. LANGE, ESQ., of Counsel for BODGE, as follows, to wit :

Int. 1. What is your name, age, residence and occupation ?

Ans. Joseph W. Libby ; 54 years ; Old Orchard ; carpenter.

2. Where were you employed in the summer of 1882 ?

Ans. At Waterville, by Mr. Joseph G. Bodge.

3. At what works, or factory, if either ?

Ans. At the works of the Fibre Ware Company.

4. How long did you continue in such employment?

Ans. Until the first day of June, 1882.

5. What was the nature of your employment?

Ans. I was at work on wood-work in fitting up machinery for the mill.

6. After you left the employment of Mr. Bodge, at the Fibre Ware Company, Waterville, Me., on June 1, 1882, did you remain at Waterville?

Ans. I did not.

7. Where did you go, and on what day?

Ans. I left Waterville the 2d day of June, and went to Biddeford, where I was then living.

8. What were your relations with Mr. Joseph G. Bodge, during your employment under him, which employment ceased June 1, 1882?

Ans. Mr. Bodge used to talk with me frequently about the work, and in regard to improving the machinery and ware.

9. About how often were you brought in contact with him prior to June 1, 1882, the time your employment ceased?

Ans. Every day.

10. How often, approximately speaking, did he converse with you in regard to improving the machinery and ware?

Ans. I can't say as to the frequency of the times, as he frequently had to be absent from the mill a great deal in fitting the machinery—at times, for several days, he would be at the machine shop for most of the time.

11. Did he converse with you at other places than at the mill, about improving the machinery and ware?

Ans. He did.

12. At what other places, and under what circumstances?

Ans. In going from and to the mill, and at our boarding-house.

13. Do I understand, that during your employment which

ceased June 1, 1882, you and Mr. Joseph G. Bodge lived at the same boarding-house?

Ans. We did.

13. What machinery was it that he conversed with you about, during this period, or a part thereof?

Ans. The machinery used in the mill for making basins and other ware.

15. Did he converse with you about machines for making pails from pulp?

Ans. He did, very frequently.

16. Whose machine or machines?

Ans. He said that he was confident that he could make a machine to make pails.

[*Counsel for Carmichael moves that the answer be stricken out as not responsive.*]

17. Did he speak to you of a machine or machines for making pails from pulp, as constructed by other parties? And if yea, what party or parties?

Ans. He spoke of the machines and process then used at Great Falls, in North Gorham, Me.

[Adjourned here to 2 P. M. same day.]

2 P. M.

[Met pursuant to adjournment.]

18. Whose or what machines do you refer to as being at Great Falls, Gorham, Me.?

Ans. Chase machine.

19. What did he say to you about such machine, with regard to making pails?

Ans. He said that they could never make a good pail by that process.

20. Please describe the process to which you refer, as you understood it from your conversation with Mr. Bodge, prior to June 1, 1882.

Ans. As I understood it, the stock was put into a former, and then a rubber bag introduced with a valve in the bottom, which took away a part of the water in forming the pail; and after the pail was formed, it was taken from the former and placed upon another; then a rubber bag placed on the inside and the pail was pressed from the inside by hyraulic pressure.

21. What reasons, if any, did Mr. Bodge give to you in support of his statement that "they could never make a good pail by that process"?

Ans. For the reason that pressing from the inside pressed the fibres apart, and didn't leave them of sufficient strength.

22. Did Mr. Bodge describe to you during your said employment, and prior to June 1, 1882, how he could overcome this difficulty? And if yea, state what he said.

[Counsel for Carmichael objects, if the matter called for by this interrogatory relates to the Bodge Patent, as inconsistent with and contradictory to his preliminary statement made in these Interference proceedings.]

Ans. He did; and said that the only proper way to overcome that difficulty was to press from the outside by a rubber bag.

23. Did he state what pressure could be used?

[Same objection.]

Ans. He said it required a direct pressure upon every part alike; and he thought it could be done with hydraulic pressure.

24. Upon every part of what alike?

Ans. Upon every part of the pail—that is, the outside of the pail—direct pressure.

25. Against what was the hydraulic pressure to be exerted?

[Objected to—leading, and for the reason before stated.]

Ans. Against a rubber bag, or diaphragm.

26. During these conversations while you were employed at Waterville, and before you left such employment, June 1, 1882, did Mr. Bodge describe to you how he intended to carry out these ideas?

[*Same objection.*]

Ans. He did not.

27. Did he describe to you the construction or formation of any machine by which these ideas might be carried into effect?

[*Same objection.*]

Ans. He did not.

28. Did he state to you anything further than in substance what you have previously stated in your examination?

[*Same objection.*]

Ans. He did not.

29. What, if anything, brought about these conversations between you and Mr. Bodge, relating to his idea as to the proper method or way of making pails?

[*Same objection.*]

Ans. In our conversations in regard to the Chase method, which he spoke of very frequently, he said the only proper way to make pails or hollow ware of any kind, would be to press from the outside; and the only way that could be done, according to his idea, was by rubber and hydraulic pressure.

30. After you left Waterville, June 2, 1882, when next did you see Mr. Joseph G. Bodge?

Ans. The 1st of January, 1883.

31. While you were employed under Mr. Bodge, prior to June 1, 1882, did he then have any machine constructed to make pails? And if yea, what sort of a machine was it?

Ans. He had a small machine constructed for making pails in miniature, to be used by suction.

32. Of what material or materials was said machine made?

Ans. Made of tin and wire.

33. Who made it?

Ans. I can't recollect the man's name. It was made at a tin shop at Waterville.

34. Do you know when it was made? And if so, give the date?

Ans. He had it commenced some time in April, 1882—I can't give the exact date. It was some time before he got it completed, as the man was very busy on other work.

35. About when do you think it was completed?

Ans. I think sometime between the 1st and middle of May.

36. If you can, please describe the general construction and operation of this small tin machine—naming its parts.

Ans. It was constructed with a cylinder, with a former inside of perforated tin. The stock, or pulp, was put into the cylinder and connected with a pump to suck out the water and form the pulp upon the former.

37. Have you named all its parts?

Ans. I can't say that I have—it has been so long since I saw it.

38. After a pail was formed on the former by suction, as you have stated, what if anything was the next step before the pail was removed from the machine?

Ans. I think there was a die that came down upon the outside of the pail to press the pail.

39. Were any pails made upon this machine prior to June 1, 1882, when you left the Fibre Ware Company at Waterville?

Ans. They were.

40. Were any of said pails "indurated," or treated by the indurating process?

Ans. I think not, while I was there.

41. Do you know what has become of this tin machine to which you refer?

Ans. It was there in the mill while I was there in 1883, but I don't know what become of it afterward.

[Direct Examination closed.]

Cross-Examination.

X 42. How long had you worked at the mill of the Fibre Ware Company in Waterville, at the time you left June 1, 1882?

Ans. From March 7th to June 1, 1882.

X 43. How did you happen to go to work there?

Ans. Mr. Bodge sent for me to go.

X 44. What previous acquaintance had you had with Mr. Bodge?

Ans. I had been acquainted with him for several years.

X 45. For how many, and where?

Ans. Four or five years before that, at his home, and at mine.

X 46. Where was your home and his?

Ans. Mine in Biddeford, Maine; his in Gorham, Maine.

X 47. Are you any relation or connection by marriage of Mr. Bodge?

Ans. Connection by marriage. My wife and his wife are sisters.

X 48. What has been your regular business since you left Waterville, June 1, 1882?

Ans. Carpenter work.

X 49. Where have you since worked?

Ans. At Old Orchard, Maine—except from 1st January, 1883, to June, 1883, I worked for Mr. Bodge, at Waterville.

X 50. What knowledge had you of the Chase Pail machine, to which you have referred in your previous testimony, up to June 1, 1882?

Ans. No knowledge, except as described to me by Mr. Bodge.

X 51. Is your recollection of Mr. Bodge's description to you, of that machine, full and distinct?

Ans. It is.

X 52. In what manner did he describe to you that the hydraulic pressure was applied to the pail made in the Chase machine, referred to in the latter part of your answer to the 20th interrogatory?

Ans. It was applied by the rubber bag on the inside of the pail.

X 53. In your answer to the 20th Int. you state that "a rubber bag was introduced with a valve in the bottom, which took away a part of the water in forming the pail, and after the pail was formed, it was taken from that former and placed upon another; then a rubber bag placed on the inside," &c. Will you state how the valve was operated from the bottom of the rubber bag, and what function the rubber bag performed in the two parts of the process, as described to you by Mr. Bodge?

Ans. I didn't understand that there was any valve in the rubber bag used in the last operation—only in the first operation in forming the pail.

X 54. What do you mean by the expression, "only in the first operation in forming the pail," in your last answer?

Ans. I mean he described to me, that there was a valve in the the bottom of the rubber bag used in forming the pail.

X 55. Then, as Mr. Bodge described the operation of the Chase machine to you, it involved the use of a rubber bag, with a valve in the bottom of it, and another rubber bag, without a valve, in the finishing of it. Am I correct?

Ans. I don't think he said whether there was a valve in the bag for finishing the pail, or not. I don't recollect that he did.

X 56. What do you mean then by your answer to the 53d Int. when you say: "I didn't understand that there was any valve in the rubber bag used in the last operation—only in the first operation in forming the pail"?

Ans. I meant that he described to me that there was a valve in the bag in the first operation; but I don't know that he said that there was any in the other.

X 57. In your answer to the 14th Int. you speak of machinery used in the mill for making basins and other ware. What other ware, besides basins, was being made in the mill from March 7, to June 1, 1882, while you worked there?

Ans. The basins were the only ware made there at that time.

X 58. How frequently have you seen Joseph G. Bodge since January 1, 1883, up to the present time?

Ans. From January 1, 1883, until June 1, 1883, I worked in the mill at Waterville with him. Since that time I have seen him only occasionally—I can't tell how many times.

X 59. During the time you worked in the mill in 1883,—from January to June—was Mr. Bodge at work on the pail machine, for which he subsequently obtained a patent?

Ans. He was.

X 60. Did he or not, during that time, frequently talk with you about it?

Ans. He did.

X 61. And did he, during this time, describe to you the difference between his machine and the Chase machine, in their operations?

Ans. He did not.

X 62. Was any reference made by him to the Chase machine, at any time, while you worked in the mill during the year 1883, in any conversation with you?

Ans. He spoke of what they were doing up there very fre-

quently—how they were getting along—and that their business would prove a failure.

X 63. Who do you mean by they, in your last answer?

Ans. The company that was then making pails at Gorham—Great Falls.

X 64. Have you ever seen the Bodge machine—the subject of this Interference—in operation, making pails; and if so, will you state the difference, in the method of operation, between the Bodge machine and the Chase machine, which was described to you by Mr. Bodge, as you have previously testified?

[*Objected to—as not referring to matters brought out in the direct examination, and as calling for expert testimony from the witness.*]

Ans. I have seen the machine—helped set the machine up, and helped use the machine nearly every time it was used while I was at the mill—helped operate it, might be a better expression. The difference was in the method of introducing the stock, and being pressed from the outside instead of the inside, as by the Chase machine.

X 65. In your answer, you say you “helped set the machine up and helped use the machine nearly every time it was used while I was at the mill.” When was this that you helped set the machine up, and how many times was it used while you were at the mill, during the time referred to?

[*Objected to—not referring to matters inquired of in the direct examination.*]

Ans. I can't give you the date when the machine was set up—it was during the time I was at the mill, between January and June, 1883. I can't tell the number of times it was used, but quite a number of times—different times.

X 66. When did you first know that you were wanted as a witness for Mr. Bodge, in this Interference case?

Ans. Some time in April—I can't recollect the date exactly. I think it was in April.

X 67. Who told you that you would be wanted as a witness?

Ans. It was Mr. Bates. He came to my house.

X 68. Was that the first intimation that you had had?

Ans. I had had an intimation from Mr. Bodge that there was to be a trial, and that I should, probably, be wanted as a witness?

X 69. Did Mr. Bodge state to you on what matters he wished you to testify?

Ans. No particular matters—only to testify to what I was knowing to.

X 70. Nothing said to you by him as to what matters you were knowing to?

Ans. I think not.

X 71. Are you positive on this point?

Ans. I think I am.

X 72. When did you first disclose the alleged conversations you had with Mr. Bodge in the spring of 1882, as stated by you in your answers to Ints. 22 to 29, inclusive?

Ans. I can't say. I have talked it over with friends.

X 73. When did you first talk it over with friends?

Ans. After I returned from Waterville in June, 1882.

X 74. How early, after June 1, 1882?

Ans. I talked it over with my family after I returned from Waterville; told them what he was trying to do, and what he proposed to do.

X 75. What did you tell them he was trying to do, and proposed to do?

Ans. That he was trying to make a machine, or get up a machine for making pails.

X 76. When did you first disclose to any one the words of the conversation you allege you had with him in 1882, as stated in your answer to the 29th Int., to the effect that "the only proper way to make pails, or hollow ware of any kind,

would be to press from the outside; and the only way that could be done, according to his idea, was by rubber and hydraulic pressure"?

Ans. I think I stated that to my family at the time I returned from Waterville.

X 77. What makes you think you stated that?

Ans. Because I talked the matter over with them, and they wished to know about it.

X78. You mean by that that your family inquired of you about the matter?

Ans. I mean that they made inquiries in the course of conversation.

X 79. What inquiries?

Ans. As to how he proposed to make his pails.

X80. At that time, and for a long period subsequent thereto, were pails any part of the regular business of the Fibre Ware Company?

[*Objected to—as referring to matters not inquired of in the direct examination.*]

Ans. They were not.

X 81. Since the early part of the summer of 1882, when you say you had this talk with your family, up to the time that you say that Mr. Bodge intimated to you this spring that you would be wanted as a witness, had you had any occasion to recall the particulars of any conversation you had had with Mr. Bodge as to his ideas about pail machines, made at a time when there was nothing to indicate that the matter was of any special importance, or that it was important for you to remember it?

Ans. I had considerable to recall it to my mind, in the winter and spring of 1883—as Mr. Bodge talked of very little else while he wasn't at work; and also I had considerable talk with the hands in the shop; and I talked about it whenever I have seen any one that knew anything about the business.

X 82. What do you mean, in your foregoing answer, that you talked about, and Mr. Bodge talked about, whenever you got a chance?

Ans. About pail machines, and making of pails.

[Adjourned to June 3, 1886, 9:30 A. M.]

JUNE 3, 1886.

[Met pursuant to adjournment.]

[Witness, on coming in this morning, wishes to make a correction in his foregoing testimony, as follows, and says:]

With regard to the operation of the Chase Machine, the pail was taken from one form and placed *inside* of another, instead of *on* another form.

The other item is in regard to the date or time that I first knew that I was to be a witness in this case. While I stated that I thought it was in April, I find that it was the 30th day of March.

X 83. With whom have you been talking about this matter since the last adjournment?

Ans. No one but Mr. Lange.

X 84. Have you had any talk with Mr. S. W. Bates?

Ans. Not any.

X 85. Is he the Mr. Bates referred to in your previous testimony, as the one that came to your house and talked with you about being a witness?

Ans. He is.

X 86. The date of which you now fix as March 30, 1886?

Ans. Yes.

X 87. Had you, prior to March 30, 1886, had any talk with Mr. Bates, as to what matters you could testify to in this case?

Ans. No sir.

X 88. What conversation did Mr. Bates have with you on March 30, 1886?

Ans. He wished me to state what facts I knew in regard to the invention of Mr. Bodge of the pail machine.

X 89. How long was your interview at that time, and where was it?

Ans. About an hour, I should think, at my house at Old Orchard.

X 90. At the time of your alleged conversation with Mr. Bodge, in the spring of 1882, had you had any previous acquaintance with pulp machinery, or machinery for making pulp pails?

Ans. I had not.

X 91. What proportion of the year had you earned your living at the trade of house carpenter, during the years of your active life?

Ans. From six to eight months.

X 92. Working in the city, or country?

Ans. City.

X 92½. Where, and how long?

Ans. I lived in Biddeford, Me., for about 15 years.

X 93. In answer to previous inquiries from counsel for Mr. Bodge, you have stated that in the spring of 1882, prior to June 1st of that year, you had conversations with Mr. Joseph G. Bodge, in which he described to you how he could manufacture pails and overcome the difficulties of the Chase machine, by pressing from the outside by a rubber bag with hydraulic pressure upon every part of the pail alike, and that he made these remarks to you in connection with a description of the Chase machine which you have previously testified to. After the lapse of four years from the time of such alleged conversation, do you claim to be able to repeat the language used by Mr. Bodge to you?

Ans. I do—for the reason that we talked so much about it that it fixed it upon my memory.

X 94. As you say in reply to Int. 81 that in the winter and spring of 1883, "Mr. Bodge talked of very little else while he wasn't at work, and you also had considerable talk" with the hands in the shop, is it not probable that with this lapse of time you have confused conversations on the same subject, as to the time in which they may have taken place?

Ans. No sir, I remember distinctly when Mr. Bodge first spoke of making a machine for pails. He said the company didn't wish him to experiment on pails. They had had all the experimenting they wished for; and he proposed to commence on his own account and did so with the tin machine.

X 95. Did Mr. Bodge in that conversation in the Spring of 1882, use the words, "rubber bag" or "rubber diaphragm"?

Ans. I don't think he called it "rubber bag"; but he proposed to use rubber in some form, after trying the tin machine.

X 96. Why then have you repeatedly said that Mr. Bodge said that a rubber bag was the only proper way, as in answer to Int. 22?

Ans. As merely a matter of speech, as that was the form in which it was used in the Chase machine, and as he subsequently used it.

X 97. What do you mean by the words "as merely a matter of speech?"

Ans. Well, by hearing him speak of their method of using a rubber bag upon the inside. I would naturally infer that it would require a rubber bag upon the outside.

X 98. Do you mean to say, that in your previous testimony where you pretended to give the words of Mr. Bodge in a conversation with you, you have been giving us your inferences, which you think naturally would flow from a description of another machine, as indicated in your last answer?

Ans. I think I stated in my previous testimony, that Mr.

Bodge thought the only proper way to make pails was by the use of rubber and hydraulic pressure—the parallel pressure upon every part.

X 99. Did you not say in answer to Int. 22, that Mr. Bodge said: “The only proper way to overcome that difficulty was to press from the outside by a rubber bag; and have you not said in answer to X Int. 93, that you claimed to be able to repeat the language used by Mr. Bodge to you?

Ans. I have used the word “rubber bag” quite frequently in this examination, and I did state that I could repeat the conversation had with Mr. Bodge at the time he proposed making pails.

X 100. Where did you get the word diaphragm that you have used in your testimony?

Ans. Mr. Bodge used a straight piece of rubber in his first attempt with rubber, and it has been called a rubber diaphragm.

X 101. When was that first attempt?

Ans. I can't tell when the first attempt was made; but he had the straight rubber, or rubber diaphragm, and used it after I went to Waterville in January, 1883.

X 102. When you have been speaking, therefore, of a first attempt in your answer to the 100th Int., have you been speaking of a matter within your personal knowledge, or from mere hearsay?

Ans. By hearsay, of the first attempt. I saw the same used in January, 1883.

X 103. What sort of rubber was it you saw in January, 1883, the time you first saw the attempt to use it?

Ans. A sheet of plain rubber, called dental rubber.

X 104. What do you mean by your answer to Int. 26, that in the conversations you had with Mr. Bodge, at Waterville, prior to June 1, 1882, he did not describe to you how he intended to carry out his ideas as to a pail machine?

Ans. I meant that he did not describe the method in which

12—P. O.

it could be used. He hadn't formed any definite idea, at that time, of the form of the machine to be used.

X 105. Do you mean that the general method of using a rubber diaphragm with hydraulic pressure from the outside, had not taken shape in his mind, for the purpose of forming pails from pulp?

Ans. I can't say what had taken shape in his mind. He didn't describe any manner of using it at that time—any form of machine, I mean.

X 106. In the words used by me in the 105th Int., "taken shape in his mind," I mean so far as made known to you. Will you answer the inquiry, with this explanation?

[X 105 repeated.]

Ans. My meaning was that he didn't explain the form of any machine for that purpose.

X 107. Do you mean that he explained the process, but did not explain the merely working parts?

Ans. He did not explain any process, but said he thought that was the only proper way—the only way in which it could be done, to make a perfect pail.

X 108. In whatever he stated to you then, you are sure that he did not explain any process, are you?

Ans. He did not explain any form of machine, but did say it could be done by rubber and hydraulic pressure from the outside.

X 109. What do you mean by the words, "He did not explain any process," in your answer to the 107th Int.?

Ans. Any manner of using the rubber, other than by applying it upon the outside, and by using hydraulic pressure.

X 110. Will you examine the machine marked Bodge Exhibit No. 2, and state whether or not you ever saw said machine before. And if so, when and where?

[*Objected to—not referring to matters inquired of in direct examination.*]

Ans. I saw that machine in the mill in Waterville, in 1883.

X 111. Was the machine in use at that time?

Ans. It was not.

X 112. Where in the mill was it?

Ans. It was in the loft, over the sandpapering room.

X 113. Did you ever see it in use?

Ans. I have not.

Re-direct Examination by MR. LANGE.

R. D. 114. With regard to the amendment or correction of your testimony as embodied in your statement made this morning before the further cross-examination was proceeded with, and so far as said statement relates to the Chase machine, in taking the pail from one form and placing it inside of another, will you please state whether, during your cross-examination of yesterday, you spoke of such correction while you were on the stand?

Ans. While Mr. Libby was dictating Int. 53, and quoting from my answer to Int. 20, when he got to the word "upon," I suggested it should be "inside," but this fact does not appear in the record.

JOSEPH W. LIBBY.

JUNE 3, 1886.

ELBRIDGE S. BODGE,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by JAMES H. LANGE, Esq., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation?

Ans. Elbridge S. Bodge; 45 years; Gorham, Me.; Carpenter.

2. Where are you now employed ?

Ans. At Sebago Wood Board Mills at South Windham, Me.

3. What is the nature of your employment, and state your general duties ?

Ans. I have charge of the repairs and buildings—wood-work.

4. How long have you been employed at said mills ?

Ans. It will be 11 years, I think, in September next.

5. Where did you reside in the month of July, 1882 ?

Ans. In Windham, Maine.

6. Did you meet Joseph G. Bodge, one of the parties to this Interference, at any time or times, in the month of July, 1882 ; and if so, where ?

Ans. I met Joseph G. Bodge on the 3d day of July, 1882, which was Monday, at South Windham, Me.

7. Did you have conversation with him on that day ?

Ans. I did.

8. On said day did he speak to you about any ideas or invention of his own ?

Ans. He did.

9. What was the nature of the ideas or invention, about which he spoke to you ?

Ans. He was giving me his ideas of a pail machine, which he claimed to be of his own ideas of forming hollow ware and pails especially.

10. Will you please state fully what he disclosed to you concerning machines for making hollow ware and especially pails ?

Ans. He stated to me that he was experimenting with a machine, that he was confident would be a perfect success. He was explaining to me, as nearly as he could, Chase's process of pressing from the inside. He said he had experimented in every way possible that he could think of, and had come to the conclusion that the only way that it could be done successfully,

was to apply the pressure to the outside of the pail. He also undertook to explain to me his idea of forming, and spoke of using a rubber bag. He spoke of the enormous amount of pressure that would be brought to bear to lay the fibre perfectly. I asked him how he was going to hold such a pressure. He answered that he intended to use, or have made, an iron case, with sufficient strength to hold any amount of pressure which he might need or require.

11. Did he state to you, on that occasion, how, or by what means, he could get the required pressure?

[*Objected to—not calling for statement of Mr. J. G. Bodge, but inferences of the witness.*]

Ans. He did—by hydraulic.

12. What did you understand was the intended purpose of the iron case, about which he spoke?

Ans. As nearly as I could understand, it was to inclose, as he called it, a perforated former for the purpose of forming pails.

13. State how he intended to use the rubber bag, as you understood it at that time, from what he said to you?

Ans. As I understood it, he was to put the stock in between the rubber bag and what he called the perforated former, and apply the pressure on the outside, so that it would be a perfect pressure on every part of the pail at the same time.

14. Apply the pressure on the outside of what?

Ans. As I understood it, the rubber bag.

15. The pressure being applied upon the outside of the rubber bag, as you have just stated, then upon what side of the pail to be formed would such pressure be exerted, as you then understood it, from what Mr. Joseph G. Bodge said to you?

Ans. As I understood it, it would be on the whole surface, the outside surface of the pail—a perfect pressure.

16. Please state where, and under what circumstances, these conversations took place.

Ans. We were on our way to Portland—or I would say, in other words, we were on our way to the Portland and Ogdensburg depot, at South Windham—crossing the Y that leads to the Sebago Wood Board Company's mill, at South Windham—that runs from the railroad track down to the mill; and also on the train from South Windham to Portland, on the 3d day of July, 1882.

17. During this conversation, were any sketches of the invention made?

Ans. I think there was—I think he took out his pencil on the Y—I won't state that positively at that time—as he always does in the course of conversation while imparting to others his idea, or ideas, about any mechanical work.

18. In view of your last answer, did he make sketches of the invention, in your presence, at other times?

Ans. He has.

19. Can you state when?

Ans. I cannot state positively the exact dates.

20. Without fixing an exact date, can you state, approximately, when he made, in your presence, a sketch or sketches of his invention?

Ans. I know that he has, in my presence, in conveying his ideas to me about this machine, made several sketches roughly, to bring out fully to me his ideas of what he intended to do. I wouldn't attempt to give any exact date that they were made.

21. In your answer to Int. 17, as to whether any sketches were made during this conversation that occurred on July 3, 1882, you state: "I think there was. I think he took out his pencil on the Y." Can you state whether or not Mr. J. G. Bodge illustrated, in any manner, his invention while both of you were on your way to Portland?

Ans. He spoke of laying the fibre by the manner of putting in the stock into the machine, so that the fibre would be

laid just the same as it was laid on our wet machines at the Sebago Wood Board Mill, in a sheet of what we call wood-board.

22. In view of your last answer, will you please state whether Mr. J. G. Bodge, while you were on your way to Portland, illustrated by sketches, or marked out in your presence, his invention or any portion thereof?

Ans. It is very clear to my mind that he did. I think that he marked out what he called the hollow ring where he put the stock in, and how it would work in going round what he called the former. Still, I wouldn't state positively that it was on that day that it was done.

23. Can you state about the length of time after July 3, 1882, that Mr. Joseph G. Bodge made sketches pertaining to his invention, in your presence?

Ans. I couldn't give any definite time when they were made. I know that they were made in my presence.

24. What circumstances, if any, enable you to fix upon July 3, 1882, when this conversation occurred between you and Mr. Joseph G. Bodge, and to fix upon your trip with him to Portland?

Ans. The circumstances connected with that date—I distinctly recollect of being at our father's house Sunday, July 2, 1882. My oldest brother and wife, myself and wife, my oldest sister and her husband were there at the time. My brother Joseph was explaining to father about his idea of a pail machine, and the rest of us—there had been so much said—went out into the yard to talk between ourselves and left him talking with father about this machine. Monday, July 3, 1882, we came to Portland on the train that leaves South Windham, I think somewhere between 8 and 9 o'clock.

If I recollect the name rightly, we called at Mr. Harris' on Commercial street, and made some talk with Mr. Harris about the mill at Waterville—if that was the name. It think it was.

I am quite sure it was. We went to Mr. Chisholm's office that day. He introduced me to Mr. Chisholm. We went into a fruit store on Exchange street; he there purchased a small box of fruit; I think he paid \$1.80 for the fruit—I won't be certain on that point. I took that box of fruit home with me on the last train out to South Windham, which arrived at that place on or about 6:30 o'clock. I sent my youngest boy with the box of fruit that night, to his son's house on the Gorham side of the river. Tuesday, July 4, 1882, I went to the house of his son, Charles F. Bodge, in the morning. He was sitting in the front door; had on a pair of loose cloth slippers. When I went up to the door, he drew up his pant legs to show me how badly his legs and ankles were swollen. While I was sitting on the front steps, he called to his wife to bring out the box of fruit which was sent to him the night before, and passed me some of the fruit out of the box. And by that circumstance, or circumstances, I remember distinctly of the day and date of our visit to Portland. That was the only time that my brother and I were in Portland together in 1882.

25. Is Charles F. Bodge still living? And if not, state when he died, if you know.

Ans. Charles F. Bodge died Friday, July 21, 1882, at $\frac{1}{4}$ to 11 P. M.

26. Did Mr. Joseph G. Bodge return with you from Portland to South Windham, on the afternoon of July 3, 1882, when you took the box of fruit to the latter place?

Ans. He did not. He was on his way to Waterville.

[Adjourned to 2:30 same day.]

[Met pursuant to adjournment.]

27. Referring to your conversation with Mr. J. G. Bodge, on July 3, 1882, will you please state how you understood,

from such conversation, the hydraulic pressure was to be applied to the outside of the rubber bag.

[*Objected to—not calling for the statement of Mr. J. G. Bodge, but the witness's inferences, from conversation.*]

Ans. The way I understood from his conversation with me, was that the pressure was to be applied through a pipe or tube connected to the iron case.

Cross-Examination by MR. LIBBY.

X 28. Are you a relative of Mr. J. G. Bodge? And if so, what is the relationship?

Ans. I am a brother.

X 29. Who were the owners of the Sebago Wood Board Mills in which you are now employed?

Ans. In answer to that question, I will say, as far as I know, Mr. C. A. Brown, Mr. C. D. Brown, Mr. Denison, Mr. Daniels, William A. Russell. Those are all the men that I know of that are connected with that company.

X 30. What Mr. Denison?

Ans. I think Mr. E. B. Denison—I am not so much acquainted with him as I am with Mr. C. A. Brown.

X 31. How many of the above persons you have mentioned, are actively interested in the Indurated Fibre Company, which now owns the Bodge patent for forming pails, here in controversy?

[*Objected to—calling for hearsay evidence.*]

Ans. I couldn't say that I know of any that are personally connected. I know that Mr. C. A. Brown, C. D. Brown, Mr. Chisholm, are frequently at our place on their way, as I suppose, to the Pail Mill. I couldn't say as to that—to state it as a fact.

X 32. Where is the pail-mill situated, which you mentioned in your last answer?

Ans. The one I have reference to is situated at Great Falls, Gorham.

X 33. Is it the mill of the Indurated Fibre Company, where pails are now made?

Ans. I don't know whether it is or not.

X 34. Do you know where the mill of the Indurated Fibre Company, in which their business is carried on, is situated?

Ans. All I know about that is that there is a pail mill at Great Falls. I don't know what the name of it is.

X 35. Have you never heard what company is operating that mill?

[*Objected to—calling for hearsay.*]

Ans. Not that I recollect of.

X 36. Do you know whether the Bodge machine is used there?

Ans. They had a machine there the last time I was there, that they claimed to be the Bodge machine.

X 37. Yet you state, do you, that you have never heard who was operating that mill?

Ans. I say that I don't know what they call the name of the mill.

X 38. Will you answer Int. 37?

[*Question 37 repeated.*]

Ans. I don't think I made that statement. I don't know—I may have.

X 39. Have you ever heard who was operating that mill, with the Bodge machine in it?

Ans. I have heard that a Mr. Keyes was running the mill at the present time.

X 40. In whose employment is Mr. Keyes?

Ans. I couldn't tell you, sir.

X 41. Do you know who owns the Bodge Patent for making pails, at this time?

Ans. I couldn't say who owns it.

X 42. Have you never heard?

Ans. I may have heard—I don't recall any particular name at this time.

X 43. As a brother of Joseph G. Bodge, have not you known the history of this patent since he applied for it?

[*Objected to—not opened on direct examination—irrelevant.*]

Ans. What I know about the machine, or a patent, is by the way of explanation, or explanations, given to me by Joseph G. Bodge.

X 44. Did not you know of the suit in Equity, brought against your brother Joseph G. Bodge, by the Fibre Ware Company, in 1883, to compel an assignment of that patent to that company, and of the subsequent assignment of the patent by your brother; and that the same is now owned by the Indurated Fibre Company, which succeeded to the business and rights of the Fibre Ware Company?

[*Objected to as before—and as assuming the existence of facts not shown by any legal evidence as existing, and inadmissible.*]

Ans. My brother told me at one time that there had been an injunction put on him; he told me at one time that he had sold it.

X 45. Did he tell you how much he sold it for?

[*Objected to—as before.*]

Ans. He might have told me, but I don't recollect the exact amount.

X 46. What do you recollect about it?

[*Same objection.*]

Ans. I recollect about his telling me that he had sold it.

X 47. Nothing more as to the amount or as to whom he had sold it?

[*Same objection.*]

Ans. He might have told me the exact amount, but I don't recollect it. He might have told me to whom he had sold it; but I don't recall any particular names.

X 48. Did you ever hear of the Indurated Fibre Company?

Ans. I have.

X 49. What have you heard of it?

Ans. I don't recollect anything particularly about it; that is, nothing that I could make any definite statement about.

X 50. Do you know what its business is, or where its mill is located?

Ans. I don't know as I do.

X 51. Did you never hear anything about these matters, for the last two years, while you have been in the employ of some of the same men who were carrying on the business of the Indurated Fibre Company?

[Objected to—not calling the witness' attention specifically to any subject of inquiry, and as assuming a fact as existing that has not been proven—presenting a question which a witness cannot intelligently answer, for want of information as to the subject inquired of.]

Ans. I am in the employ of what is known as the Sebago Wood Board Company. I have been in their employ nearly eleven years—been there almost constantly at their mill.

X 52. How far is the Sebago Wood Board Company's mill from North Gorham, where pails are made—to which you have previously referred?

Ans. I should judge it was somewhere from five to six miles.

X 53. Are Windham and Gorham adjoining towns?

Ans. The Presumpscot river runs between Windham and Gorham—separates the two towns.

X 54. Where do you now live?

Ans. In Gorham.

X 55. And this is the same town in which the pail mill you have referred to, is situated?

Ans. It is.

X 56. How many times did you see your brother, Joseph G. Bodge, in the year 1882?

Ans. I saw him quite frequently in July.

X 57. Is that the only month in which you saw him?

Ans. I think I saw him once or twice in June of that year—I couldn't say on what dates.

X 58. From July, 1882, throughout the rest of that year, did you not see him?

Ans. I do not recollect of seeing him after the 26th day of July, 1882, that year?

X 59. Were you away from home, or out of the State after July, in that year?

Ans. I don't recollect of being away from home, or out of the State, that year after July.

X 60. Where was your brother Joseph G. Bodge's home, in the year 1882? And where did his family reside?

Ans. At Waterville, Maine.

X 61. In answer to Int. 56, you say, "I saw him quite frequently in July." State, if you can, the number of times you saw him in that month, and the places.

Ans. I saw him July 1, 1882, at South Windham. I was with him July 2, 1882, at father's house at Canada Hill, in Windham—what has been called the Bodge neighborhood. I saw him Monday, July 3, 1882—was in Portland with him. I saw him July 19, 1882, at his son's house in Gorham. I saw him July 20, of the same year, at the same place. I saw him July 21, of the same year, at his son's house. I won't say positively that I saw him this day at his son's house, but I was with him at the mill yard. I saw him July 22d, 23d and 25th. I think he and I were together on the 26th—I won't say posi-

tively as to that. I met him at his wife's father's place, and at his son's house, and at my home in Windham.

X 62. When did you first learn that it was important, for the purposes of this case, that you should be able to fix definitely the 3d of July, as the day on which your brother first disclosed to you the nature of his invention?

[*Objected to—assuming knowledge on the part of witness not shown.*]

Ans. It was owing to circumstances connected with his son's sickness and the box of fruit that he sent back by me to his son on the 3d day of July, 1882.

X 63. [*Question 62 repeated.*]

Ans. That was not the first disclosure made to me in regard to it.

X 64. When was the first disclosure?

Ans. I can't say positively as to that. It was either in June or the first of July, 1882.

X 65. What difficulty have you in determining whether it was June or July?

Ans. I have no fixed dates in June. I know that we had had correspondence in the month of June in regard to his son's sickness at that time. I am quite sure that he and I met once or twice in the month of June—I wouldn't say positively as to that.

X 66. Did you keep any diary at the time, as to these dates and occurrences?

Ans. I did not.

X 67. When did you first learn that these dates and occurrences were important for the purposes of this case?

Ans. I have kept perfectly still until recently, from the fact that I did not want to be brought here. I spoke carelessly—no—I spoke about being in Portland with my brother on the 3d day of July.

X 68. What did you mean by the words: "I spoke carelessly," in the last answer?

Ans. I didn't intend, not ever having testified before a lawyer in this manner, to have anything to do with it—giving any testimony.

X 69. What changed your intention?

Ans. Knowing these dates and the circumstances connected with the trip to Portland, I came in.

X 70. Came in where?

Ans. Came in here.

X 71. For what purpose and when?

Ans. I came in to give in my testimony as I understood the case. I came in yesterday.

X 72. Who notified you when to come in, and where to come?

Ans. My brother—Joseph G. Bodge.

X 73. How long had you kept perfectly still, as stated in your answer to the 67th Int.?

Ans. I don't know exactly how long.

X 74. What did you mean by that expression: "I have kept perfectly still until recently"?

Ans. My business was such at South Windham that it required my attention. I did not want to leave it.

X 75. In what way did you keep perfectly still?

Ans. I didn't say much of anything about it one way or the other.

[Adjourned to June 4, 9:30 A. M.]

[*Examination suspended, by consent, on account of illness of this witness.*]

JUNE 5, 1886, 9 A. M.

Cross-Examination resumed by MR. LIBBY.

X 76. You say in your answer to X Int. 67, that you kept perfectly still until recently, from the fact that you did not want to come here and testify. When did you first learn that you knew of anything of importance in this case, so that your testimony would be wanted?

Ans. In that statement, "perfectly still," that I made, I meant that I made but very little talk with any person except my wife about it. I have known, for some time, in regard to the dates in July, that I was with my brother on certain days and dates during the month of July, 1882.

X 77. Will you please answer X Int. 76, which I ask the Examiner to repeat?

[*X Int. 76 repeated.*]

Ans. I recollected distinctly of being in Portland with my brother, Joseph G. Bodge, on the 3d day of July, 1882.

X 78. Aren't you able to understand the question put to you?

Ans. I do.

X 79. Is that the best answer you can give me to Int. 76?

[*Int. 76 repeated.*]

Ans. Last Monday my brother asked me if I recollected of sending him a despatch a few days before his son died. He asked me if I would come in here with him and see Mr. J. H. Lange. I told him that I didn't want to come, that I wanted to buy a cow on that day—the mill was shut down. He told me, if I would ride in with him, that he would carry me to a place where we looked at a cow the day before. My wife wanted me to get a few things she needed here, in the house. I came in here with him, and was introduced to Mr. J. H. Lange. Mr. Lange asked me a question about the 3d day of

July, 1882. That night, on returning home, after I arrived, I was notified to come in here.

X 80. Was that the first you knew of the nature of this controversy ?

Ans. I had known about the dates of July, of being with my brother, from July 1, 1882, at several times during the month up to the 26th of July, 1882.

X 81. If you do not understand my question, I will try to put it in a different form.

[*X Int. 80 repeated.*]

Ans. I have known, since the examination has been going on, frequently, as I have gathered it from conversations with my brother.

X 82. What have you known, as to the nature of this controversy, from conversations with your brother, since this examination commenced ?

Ans. He has asked me, several times, if I didn't remember of being with him on certain days in the month of July, 1882.

X 83. Why did he have to ask you, several times, this question ?

Ans. He said he wanted to bring out the facts of this case just as they were ; and he knew that we were together frequently during the month of July, 1882.

X 84. Did you finally remember the facts as he stated them ?

[*Objected to—as assuming.*]

Ans. He stated no facts to me directly. I told him that I knew that we were in Portland on the 3d day of July, 1882.

X 85. When did you first learn that that fact was of any importance in this case ?

Ans. I learned that from Mr. J. H. Lange.

X 86. What did Mr. Lange say to you about it ?

Ans. He asked me if I remembered of being in Portland

with my brother, Joseph G. Bodge, on the 3d day of July, 1882. I told him that I did.

X 87. Is that all that was said ?

Ans. There might have been something more said in regard to it. I couldn't state, word for word, what was said. He asked me that question in particular.

X 88. I don't ask you word for word what was said. I asked you when you first learned that that fact was of importance in this case ; and you said you learned it from Mr. Lange. I am now asking you what Mr. Lange said which first made known to you the importance of that fact ?

Ans. Mr. Lange said that he wished to find out where my brother was on or about that time. I knew that I was with him on that day, the 3d day of July, 1882.

X 89. Did he say to you why the fixing of that date was important in this case ?

Ans. I don't know as he did. I won't state positively as to that.

X 90. Was this the first time that anything had ever been said to you showing the importance of that date ?

Ans. My brother has said to me that it was very important, in this case, about his whereabouts from the 1st day of July, 1882, until the 26th day of July, 1882.

X 91. When did he say that to you ?

Ans. I don't recollect exactly when.

X 92. Give me, approximately, the date, as near as you can.

Ans. It has been some time since this examination commenced.

X 93. Then, it was some one day since this examination commenced ; but the exact day you have not clearly in your mind. Am I correct ?

Ans. I haven't the exact day, but some day since this examination commenced.

X 94. What day did this examination commence, if you remember?

Ans. I don't remember, sir, what day it commenced.

X 95. Couldn't you tell approximately?

Ans. It might have been last week, or the week before.

X 96. In your answer to X Int. 79, you refer to your brother having asked you about a despatch you sent him a few days before his son died. What did you tell him you remembered about that?

Ans. I told him I remembered about sending him a despatch.

X 97. At the time he mentioned it to you, what did you remember?

Ans. I remember of sending him a despatch from our mill yard office, at South Windham, to Waterville, on the 18th day of July, 1882; but I didn't tell him that. I recollected it well. My wife did too.

X 98. Why didn't you tell it to him?

Ans. I didn't want to be summonsed in here. I thought if I told him that I should be.

X 99. What did you tell him so that you should not be summonsed in here?

Ans. I told him that I recollected of a despatch. The despatch that I had reference to, at that time, in my mind, was sent to him by me, on the morning of July 22, 1882.

X 100. What did you tell him about this last despatch?

Ans. I haven't said anything about it to him, until I was notified to come in here; and then I told him that I sent him that despatch on the 18th day of July, 1882.

X 101. By "that despatch" in your last answer, what do you refer to?

Ans. I refer to the despatch sent from the office of the Sebago Wood Board Company's Mill, at South Windham, July 18, 1882.

X 102. How did you happen to mention this despatch to him, if he did not inquire about it?

Ans. He asked me several times if I recollected of sending him a despatch a few days before his son died.

X 103. And on these several occasions, what did you reply to him?

Ans. I did not make—in reference to that first despatch—a direct reply until after I was notified to come in here.

X 104. What sort of a reply did you make, if you did not make a direct one?

Ans. I said I recollected sending him a despatch, and I immediately left for my home.

X 105. Did you do this, on each of the several times, when you say he inquired about it?

Ans. I didn't mention, that I recollect of, directly to him of the first despatch sent, until after I was notified to come in here.

X 106. At what time in the day of July 19, 1882, did you see your brother at his son's house in Gorham, as stated in your answer to the 61st interrogatory?

Ans. My brother arrived at South Windham, on the train that arrives at South Windham on or about half past six in the afternoon. The hour was between that and dark. My wife was with me. My youngest sister was with me and him (my brother). I hung two screen-doors, one on the door next to the Baptist Church, in Gorham, one on the front door next to the street, while my brother and sister were putting up a bed in the parlor to move his son out of the dark bed-room, where he had been lying for several days. That was on the 19th day of July, 1882.

X 107. Where had he come from that day, if you know?

Ans. I supposed that he came from Waterville. I couldn't say positively as to that.

X 108. At what time in the day of July 21, 1882, did you see your brother at his son's house, in Gorham?

Ans. He left South Windham, as he said, for Waterville, on the noon train. I was with him in the mill-yard.

X 109. At what time in the day does that noon train reach Waterville?

Ans. I couldn't say. I don't know at what time it reaches Waterville.

X 110. Do you remember whether it reaches there about 5 o'clock in the afternoon?

Ans. I don't remember. I think it arrives there on or about 5 o'clock.

X 111. After this lapse of time, do you claim to remember the language used by your brother in the conversation detailed by you as taking place on the 3d day of July, 1882?

Ans. I don't claim to remember, word for word, what was said—the exact language used.

X 112. Do you claim to remember the substance of what was said in that conversation, after this lapse of time.

Ans. The principal part of his conversation was in relation to his ideas of a pail machine for forming pails.

Re-Direct Examination by MR. LANGE.

R. D. 113. Will you please state why, or for what reason, you sent the telegram to your brother J. G. Bodge, on the 18th day of July 1882?

Ans. For the reason that my sister—youngest sister—was with him at that time, through the last days of his sickness. He was failing very rapidly at that time. She sent word to me at the mill yard, or to the mill where I was at work, to send for my brother to come home. That was in the forenoon. I stepped into the office of the mill and sent the despatch. That was on the 18th day of July 1882.

R. D. 114. To whom do you refer, in your last answer as "him"—the person who was failing rapidly?

Ans. Charles F. Bodge, son of Joseph G. Bodge, a married son, of about 25 years of age.

ELBRIDGE S. BODGE.

JUNE 5, 1886, 11.20 A. M.

WILLIAM C. HINDS,

Being duly sworn, doth depose and say, in answer to interrogatories proposed by WILBUR F. LUNT, ESQ., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation?

Ans. William C. Hinds; 36 years; Bath, Me.; Machinist.

2. Where were you employed in the spring of 1882?

Ans. In Waterville, at Webber & Philbrick's, as the firm was at that time.

3. What was their business?

Ans. General repair shop. They also dealt in new machinery.

4. State whether or not, in the month of June, 1882, you did any work for Mr. J. G. Bodge, in Waterville?

Ans. I did.

5. Calling your attention to Bodge Exhibit No. 2, Part [B], will you please state whether you did any work on the machine of which said exhibit is a part?

Ans. I did.

6. Will you please state what work you did on said machine?

Ans. I made the ring—cast iron ring, that is bolted to the bottom plank—wood part.

7. Will you please point out to the Examiner, and have him mark, by letter, the part of the machine which you worked on in the month of June, 1882?

Ans. I will.

[*Witness points out part, which the Examiner marks as follows, viz: "Bodge Exhibit No. 2,—A. H. D., Ex'r, May 28, 1886 [E]."*]

8. When did you finish work on the part of the machine referred to?

Ans. The 29th day of June, 1882.

9. Did you keep, during the month of June, 1882, a daily record of your time as you were employed?

Ans. I did.

10. Will you please state, by reference to such daily record, if necessary, upon what days in June, 1882, you worked on that part of said machine?

Ans. I worked part of the time on the 26th, 27th, 28th and 29th of June, 1882.

11. Did you understand, at that time, the purpose or function of that part of the machine referred to?

Ans. Not in full. I understood that it was for conveying the pulp through.

12. Will you please to describe, in your own way, and briefly, the form of that part of the machine which you worked on, as stated.

Ans. It is a cast-iron ring, with a groove on the under side, with small holes leading up through from the groove.

13. Did you have any conversation with Mr. J. G. Bodge, previous to the time when you worked on that machine, in relation to any matters connected with the pulp business? If so, state, as nearly as you can, when it was, and what he said.

Ans. He had talked with me quite often before that time about getting up a pail machine.

[*Int. 13 re-read to the witness.*]

He said that he was at work on one; thought he would get a nice pail in time.

14. State as nearly as you can when it was you had this conversation—how long before you worked for him the last of June, as you have stated?

Ans. I should say from four to six weeks,—perhaps longer than that.

Cross-Examination by CHARLES F. LIBBY, ESQ., *Counsel for*
CARMICHAEL.

X 15. For whom was the work you performed on this machine, as previously stated, done, and to whom charged?

Ans. Mr. Bodge came to me with the job. He was there most of the time I was doing it—told me how to do it. The charge was made to the Fibre Ware Company.

X 16. Had you ever done any work on this machine previously?

Ans. No, I had not.

X 17. Did you do no work during the months of July and August, up to August 28th, in your employment?

Ans. I did.

X 18. The question as read to you is not the question I intended to put to the Examiner. The question I wished to ask was: Did you do no work after July 30th up to August 28th of that year?

Ans. I think I did.

X 19. I understood you to say, in answer to Int. 9, that you kept a daily record of your time, as you were employed. Is that correct?

Ans. I did.

X 20. By reference to the book of such daily record produced by you, I find no record of daily work after a date which

has a heading at the top of the page: "Friday, 30" (which I assume to be July 30th, but which may be some month previous), up to August 28th. As this is a book of daily record, how does it happen that there is such a hiatus?

[*Counsel for Bodge objects to the assumption of interrogating counsel, that the date of Friday, 30th, is July 30th, instead of June 30th, as the witness has stated.*]

[*Counsel for Carmichael objects to an interruption of the cross-examination, where counsel for Bodge interpolates upon the record a misstatement of this witness' testimony.*]

[*Counsel for Bodge also objects, that counsel on the other side have no right to examine parts of the book not referred to in direct examination, and no right to cross-examine the witness on the contents of such other parts.*]

Ans. (*Witness examines the book.*) I find this time correct, or nearly so. I was out some days during the time. I worked from August 1st, the whole month. I worked all but the 14th in July.

X 21. Will you examine the date "Friday, 30," at the head of page 8, of this daily record, and tell me what month that date refers to; and also tell me what the next succeeding date is, as you have kept it, as it follows in the book?

Ans. The time on page 8 is Friday, June 30. The next date, as it follows in the book, is August 28. The time for August 1st, is on page 22.

X 22. Will you please give the dates, as they follow on the next two pages, after August 28?

[*Objected to—not proper cross-examination, as before.*]

Ans. August 29th, 30th, 31st, September 1st, September 2d, September 4th.

X 23. Does the year of these entries appear in the book?

Ans. It appears on the book.

X 24. My question is, does the year of any of these entries appear in connection with the entries in the book?

Ans. The entries in the book were made in June, July, August and September, 1882.

X 25. Are you not able to answer my inquiry, whether the year appears in connection with any of the entries in that book; and if so, will you please do so?

Ans. I guess not.

[Adjourned to 2 P. M., same day.]

2 P. M.

X 26. Will you please examine part marked [E], of Bodge Exhibit No. 2, and state whether the piece of iron pipe with an elbow connected with one-half of the iron ring, which you have described as your work on this machine, was put in by you at the time you did the work you have described, from June 26 to June 29, 1882. The iron pipe I refer to is connected with the side of the ring, and the elbow turned up.

Ans. I don't remember putting that in. I might have filled the hole. I didn't put the pipe in.

X 27. Do you remember of having drilled the hole, at the time you put this iron ring on to the machine?

Ans. I can't say that I do.

X 28. Do you know for what purpose that iron pipe was inserted in the ring?

Ans. I do not.

Re-direct Examination by MR. LANGE.

R. D. 29. Is the memorandum-book to which you have referred during your examination, your private property?

Ans. It is considered so.

R. D. 30. Will you please state from whom you received

or obtained the book originally, and the circumstances, if any, under which you obtained it?

Ans. I received the book from Mr. Webber. They were to give us a book for every month, but neglected to do so very often, and that accounts for the time being in the shape that it is.

R. D. 31. For what purpose were "they" to give you a book every month?

Ans. To keep an account of the number of hours labor of different parties during the month.

R. D. 32. Will you refer to the book, now in your possession, and state on what pages, if any, you find your account for time on work in the month of July, 1882?

Ans. Entry of July 1st is on the 13th page. It runs to the 22d page.

R. D. 33. If you have no objections, will you hand your memorandum-book to the Examiner, to be introduced in evidence and used as an exhibit in this case?

Ans. I have no objections.

[*Said book is introduced and marked: "Bodge Exhibit, 'Hinds Time-Book'—A. H. D., Ex'r, June 5, 1886."*]

R. D. 34. At the time you made the ring, to which your attention was called in your direct examination, which is marked Bodge Exhibit No. 2, Part [E], what did you call it?

Ans. I called it a "water pail dye."

WILLIAM C. HINDS.

JUNE 7, 1886, 2:30 P. M.

ASA J. LYON,

Being duly sworn, doth depose and say in answer to interrogatories proposed to him by WILBUR F. LUNT, ESQ., of Counsel for BODGE, as follows, to wit :

Int. 1. What is your name, age, residence and occupation ?

Ans. Asa J. Lyon ; 48 years ; Oakland, Me. ; Mechanic and Machinist.

2. In the month of July, 1882, were you associated in business with others under any firm name ? and if yea, state the name of your firm, its place of business, and the nature of the business carried on there.

Ans. I was. The firm name was Lyon, Bragg and Hubbard, at Oakland, Me. Iron founders, machinists, general jobbing in wood and iron.

3. How long was that firm in business ?

Ans. From September 13, 1880, to May 21, 1884.

4. Did you visit the works of the Fibre Ware Company in Waterville, in the year 1882 ?

Ans. I did.

5. When did you first visit their works ?

Ans. The 12th day of July, 1882.

6. What was the object of that visit, and at what time of the day did it occur ?

Ans. I visited the concern out of curiosity, to see what they were doing, in the afternoon about 4 o'clock.

7. How did you happen to be at Waterville on that day ; and how far is Waterville from your then place of business ?

Ans. I went to Waterville on business and to have an error corrected that occurred on W. B. Arnold & Company's books. Oakland is about five miles from Waterville.

8. What was the error referred to ?

Ans. Some belting that I had got there, during the month of June; through a mistake, the clerk at Arnold's had charged the belting to Hubbard & Blake Manufacturing Company. This error was corrected at that time. The belting was charged to Lyon, Bragg & Hubbard, and credited to the Hubbard & Blake Manufacturing Company.

9. When you went into the factory of the Fibre Ware Company, in the afternoon of July 12, 1882, will you state what person you first had any conversation with, if you had any, and describe what took place, what you saw, and what was said to you?

Ans. As I entered the factory, Mr. Joseph G. Bodge approached me, and said he had posted notices at the door of the mill for no one to enter. I told him I would go out if he insisted. He asked me my name and business. After I told him my name and business—the firm I represented—he thought I was the man he wanted to see, and then took me in to a machine that he was to work on and explained to me what he was trying to accomplish.

10. Do you see here the machine to which he took you?

Ans. I do.

11. Will you please point it out to the Examiner, that he may make a note of it?

Ans. This is the machine as I saw it.

[*Witness points out Bodge Exhibit No. 2, including the parts [A], [B], [C], [D], [E].*]

With the exception of the rubber diaphragm that was attached thereto.

12. To what part of the machine was the rubber attached, and how was it applied to any other part of the machine?

Ans. The rubber was attached to the bottom of the wooden cylinder, by means of a cord that was tied around it, extending up over the inside former.

13. What kind of rubber did Mr. Bodge then have on the machine?

Ans. He told me it was dental rubber.

14. Did Mr. Bodge then make any explanations as to the method of operating said machine, and the purpose thereof? If so, please state what he said as fully as you can.

Ans. He said he proposed to force the stock in under the rubber bag, as he called it, and after there was a sufficient amount of stock forced in, would shut off that pipe, and with a form or follower, that he had about complete, force down over the rubber bag, force out the water, and form the stock into a pail. He also told me that he proposed putting hydraulic pressure on at some future time, in place of the follower or form.

15. Was the machine, at that time, set up in place and in operation?

Ans. It was not.

16. Did you notice whether or not any suction pipe was attached to the bottom of the machine, at that time?

Ans. I didn't notice any.

17. When did you next visit at the same place?

Ans. August 2d, of the same year.

18. At that time, did you see the same machine, and see it operated?

Ans. I did.

19. What was the result of the operation that you then witnessed?

Ans. At that time, Mr. Bodge succeeded in making two imperfect pails.

20. Will you please to describe the operation of the machine as you witnessed it August 2, 1882, when the two imperfect pails were produced; and also state what the imperfections in the pails were?

Ans. He forced the stock into the machine under the rubber bag with a hand-pump; after which he closed the pipe that connected the pump with the machine, and then proceeded

to force the follower down over the rubber bag, to form the pail. The imperfections in the pail were: they were very uneven in thickness and not very compact.

21. Will you please describe the follower to which you refer in your last answer?

Ans. The follower was made up of soft lumber, with a head in the small end, two hoops on, and the inside was turned out, and a staff fastened to the head to handle it by.

22. You speak of hoops. What was the shape of that part of the follower to which the hoops were applied? and please describe the interior of it as nearly as you can.

Ans. The outside of the follower was round, small on the end to receive the head, so that the hoops would drive down close. The inside was turned as near as possible to form the outside of the pail.

23. Was anything placed within the main cylinder, or barrel, against which the follower in descending over the rubber covering the former, came in contact?

Ans. There was not, at this time.

24. Will you please state how closely the exterior surface on the lower end of this follower fitted to the inside of the main cylinder, or barrel?

Ans. My recollections are that there might have been half to three quarters of an inch on a side.

25. When did Mr. Bodge state to you his proposed method of applying hydraulic pressure to the rubber; and will you please state what he said, at that time, if anything, in relation to his proposed use of the follower?

Ans. He proposed to make an iron machine.

[*Question 25 re-read.*]

He proposed, the first time I met him in the mill, to apply the hydraulic pressure to the wooden machine; and as soon as he could ascertain what he wanted, would have the iron machine built.

26. Please answer the last part of the former question, which question the Examiner will re-read?

Ans. He proposed to dispense with the follower when he used hydraulic pressure.

27. Did he make this statement at your first interview with him, on the 12th of July, 1882?

Ans. He did.

28. Referring, now to your interview with him on the 2d day of August, at the time the pails were made, what conversation did you have with him, Mr. Bodge, in relation to any machine? What did Mr. Bodge do and say?

Ans. Mr. Bodge gave me an order, that day, for an iron machine, and gave me a rude pencil sketch, with the figures thereon, giving the dimensions of the machine.

29. Will you please state, as nearly as you can, how he described the machine which he then gave you an order to build, and what kind of a pencil, or instrument, he used in making the sketches?

Ans. He proposed making a machine with a bed-plate that took the stock ring, or rings, up through the bottom of the bed-plate, fastening to the bottom of the bed-plate. The stock ring was in two parts, so that the groove that the stock was forced into could be turned out and made smooth, so that the stock wouldn't catch. Then there were about a dozen three-eighth holes drilled through the upper half of the stock ring, running diagonal, so as to strike as near the former as possible. In addition to this, was one large hole drilled and tapped to receive the pipe, through which the stock was to be forced into the stock ring. The former was finished on the outside and perforated—not very close—with fine holes. Outside of this former, and bolted to the bed-plate, was a heavy iron dome about an inch and a quarter thick, round top with square corners. This dome extended down over the former, and received the rubber bag between the dome at the bottom and the bed-plate. On

top of this dome was a nipple to receive the pipe from the hydraulic pump or machine.

30. Will you state whether or not in machine Exhibit 2, there is any stock-ring, corresponding in its general construction to the one you made in the machine just described? If so, please point it out to the Examiner that he may note it, and you may state any differences in construction or form that occur to you.

[*Witness points out part [E], Bodge Exhibit No. 2, and says:*]

This is a part of the stock-ring, similiar to the one that I have already described in the machine.

31. At what time was this first iron machine completed?

Ans. During the month of August, 1882.

32. State whether or not after Mr. Bodge gave you the order for the machine, and while you were constructing it, you had any interviews with Mr. Bodge?

Ans. Mr. Bodge was at our shop quite frequently to see how we were getting along.

33. Did Mr. Bodge, while at your shop, give you any directions in regard to its construction?

Ans. The first figures he gave me wasn't changed much, if any, while the machine was being built.

34. What was the outside shape of the dome of this machine, and the distance or space from the former enclosed by the rubber, to the inside surface of the dome?

Ans. The inside walls of the dome were nearly parallel with the outside walls of the former, with a space of about two inches. The inside of the top of the dome was also about a uniform distance from the top of the former, with more space than on the walls.

35. When did you deliver that machine?

Ans. That machine was delivered the last days of August, 1882.

36. At that time, was the Fibre Ware Company engaged in making any additions to their works?

Ans. They were engaged in building a Treating-House.

37. Do you know whether or not Mr. Bodge gave his personal attention to that work?

Ans. He did, and as I understood him, Prof. Carmichael, of Brunswick, made the plan of the Treating-House, and it was quite complicated, in some of its constructions, and required his whole attention.

38. Do you know whether the machine which you built was set up in the Fibre Ware Company's works immediately after you delivered it?

Ans. This machine wasn't set up until the last of November or first days of December, 1882.

39. Did you see it set up and in operation in 1882? If so state when.

Ans. I saw it about the 20th of December of that year.

40. How was it set up?

Ans. It was mounted on a wooden frame, I should judge about 4 feet high.

41. Will you state what you saw produced, if anything, and how the machine worked?

Ans. I saw a very few pails made, the first time I saw it in operation, rather imperfect, thin round the bottom near where the chime should be formed, and not of uniform thickness on the walls. Mr. Bodge thought the reason of their being so thin round the bottom, come from putting the hydraulic pressure into the top of the dome; forcing the rubber bag down with the stock under it had a tendency to carry the stock down away from the corners.

42. Did you, at that time, or later, see some perfect pails formed on that machine?

Ans. I did.

43. When and how many?

Ans. This machine was taken back to our shop and the nipple removed from the top of the dome, and the hole plugged, and the nipple put in on the side of the dome near the flange at the bottom. The former was also perforated finer than before. After this was completed the machine was taken back to the Fibre Ware's mill in Waterville, and set up and tried about January 10, 1883. About this time I saw the machine operated. The work was better but not much of it perfect. There was a little tendency to make thin places on the walls, generally opposite the nipple, but sometimes thin places would occur on other parts of the wall. At this time there was one or two quite perfect pails formed. Mr. Bodge was trying to make pails without doing any finishing except to sand-paper.

44. Do you remember if any persons were present about January 10, 1883, who witnessed the forming of the perfect pails?

Ans. Joseph G. Bodge, Mr. O'Brion, their book-keeper—I never have learned his given name—and myself. At that time Major Richards, of Gardiner, Maine, came in, I think, with Charles D. Brown and one other gentleman that I can't tell who he was now.

45. State whether or not, at or about this time, you made any part of a machine to be substituted for any part of the machine that you saw operated as last mentioned?

Ans. Previous to this, we had made a small round top dome which was tried on this machine soon after this trial, a few days—it was a failure. Also previous to this, we had made an inside former and a corrugated dome, or fluted, that the former fitted in. The corrugation was simply for drainage for the water, and also for suction—drainage and suction. This also was tried prior to the 17th of January, and was also a failure.

46. Do you know whether in the month of January, any

change was made or suggested, by Mr. Bodge, in the rubber applied to the former ?

Ans. There was. We made an iron mould during the month of January, 1883, and shipped it the last days of January from Waterville, on the evening Pullman, to the Revere Rubber Company of Boston.

47. Referring now to the machine, as you saw it operated in December, 1882, what kind of rubber did Mr. Bodge use on his machine then ?

Ans. The first trial was dental rubber ; but it failed to do the business. They had a rubber bag made in Boston that was made up of parts cemented together. This wasn't quite right. They had an iron mould made in Boston ; the bag made in this mould, they thought wasn't quite right. The one that was made in the moulds that I have mentioned, that was shipped at Waterville aboard the Pullman, was better than any of the others.

48. Do you know, of your own knowledge, that the bag made of parts cemented together, was made in Boston ?

Ans. I am not certain about this. I was informed by parties connected with the mill that it was.

49. Were you at the Fibre Company's mill on or about the 16th of February, 1883, in the evening ?

Ans. I was there in the afternoon and evening of the 16th.

50. Did you see the pail machine in operation at that time—and if so, who were present ?

Ans. Joseph G. Bodge, O'Brion, and myself, were operating this machine in the evening, and had taken out two quite fair pails ; and while we were forming the third one, C. D. Brown, H. J. Chisholm and a Mr. Smith, from Boston, came in to the mill ; and after they had been in there a few minutes, a pail was taken from the machine, and was a perfect pail. Mr. Bodge was very enthusiastic over it.

51. Did you try the machine in the morning ?

Ans. Mr. Bodge and others tried it. I was not present at the trial.

52. Where next did you see Mr. Bodge? and state what occurred.

Ans. The next day, in the forenoon, Mr. Bodge and the gentleman, Smith, that I have mentioned, came to our shop in Oakland, and Mr. Bodge, as he approached me, said the machine didn't work at all that morning; and I asked him what was further to be done. He said Mr. Smith proposed putting on a larger dome; and as they were in a hurry for this dome, Mr. Smith proposed to make what we call a swept-mould. He thought this could be done without the expense of a pattern. This we complied with at once, and got out the casting for the dome and put it on to the machine that we have referred to heretofore. The machine was tried with this new dome on it, and did not work. The inside of this dome afterwards had a wood lining put in it, that changed the shape somewhat inside. After this had been completed the machine was tried, and worked very well.

53. At that time were you engaged in making any drawings? If so, please state for what.

Ans. I received an order the 19th day of February, for an entire new pail machine, of which I commenced to make the drawings and patterns at once.

54. When was that machine completed and delivered, and how did it work?

Ans. That machine was completed during the month of March, 1883, and worked very well.

55. Did you see pails produced by it?

Ans. I saw pails that were produced by this machine. These pails, generally, were very good—the most of them were good.

56. State whether or not you made any more moulds for rubber?

Ans. We did—I think during the month of March, 1883.

57. For what were those moulds ?

Ans. Those moulds were to make a rubber packing ring, according to my recollections now.

58. Where did that ring go on the machine ?

Ans. That was a packing ring round the bottom of the former, that packed the joint between the former and the stock ring, as the former stands in the machine.

59. In the month of June, 1883, did you commence any work for the Fibre Ware Company, or for Mr. Bodge ? If so, what ?

Ans. We did. We commenced an entire new machine, that was constructed on nearly the same principle as the last mentioned machine, mounted on four cast iron legs.

60. When was that machine completed ?

Ans. That machine was finally completed on or before August 18, 1883.

61. Referring to Bodge Exhibits Nos. 4 and 5, will you please what those photographs represent ?

Ans. These photographs represent the last mentioned machine.

62. Will you state how this machine, when completed and set up, operated, whether successfully, or otherwise ?

Ans. This machine operated very successfully, and the pails made therein were very satisfactory.

63. State, if you know, whether pails made on that machine were treated and put upon the market ?

Ans. They were.

64. Now, will you please describe the machine, and its several parts, and the mode of operating it, as it is shown in these photographs ?

Ans. This machine was made with a heavy cast iron bed-plate to receive the legs of the machine ; also heavy pieces which were a part of the bed-plate to receive the cast steel

dogs which completed the locking arrangement. On the other side of the castings, directly under the dogs, were two heavy iron hangers which were bolted to the bed-plate—the lower end of these hangers having a slot cast through them to receive the levers that were connected with the steel dogs. At the bottom of these two levers was a knuckle or toggle joint. To this knuckle joint was a rod connected by which this joint was to be operated in locking and unlocking this machine. On the end of this rod was a rack attached, to receive a pinion which was hung on a shaft under the floor, that does not show here in this photograph. On the said shaft was a pinion of larger dimensions, in which another rack worked. This other rack had a rod connected to it, that extended up through the floor, that the operator could use in the operation in raising and lowering the former. On the said shaft was also a twelve inch sheave, to which a counter-balance was attached to balance this former and the parts connected thereto. This machine, above the parts described, is similar in form to the machine heretofore described. Under the plate that the former was attached to, was a couple of sleeves bolted thereto to slide on a couple of rods that were attached to the under side of the bed-plate of the machine, to guide the former when it was being raised in the machine, and lowered out. These sleeves made a stop for the former as it was lowered from the machine.

65. Was there any suction attached to this machine?

Ans. There was none.

[Adjourned to June 8, 9 A. M.]

JUNE 8, 1886, 9:30.

[On account of the temporary absence of Mr. Lunt, J. H. Lange, Esq., will continue the direct-examination of the witness.]

66. In your answer to Int. 11, you refer to the part [E] among other parts of Bodge Exhibit No. 2 which you saw on the 12th day of July, 1882. If Mr. Bodge in any way explained or said anything regarding this part [E] at that time, will you please state what he said?

Ans. Mr. Bodge explained to me that there was a channel in the bottom of the machine, partly in wood and partly iron, through which the stock was to be forced inside the rubber bag. As the rubber was on the machine, there was no chance to examine this to see how it was constructed, without taking the machine apart. That he did not do at that time.

67. In your answer to Int. 28, you stated as follows: "Mr. Bodge gave me an order that day for an iron machine, and gave me a rude pencil sketch with the figures thereon giving the dimensions of the machine." Will you please state whether or not he made the rude sketch in your presence?

Ans. Part of it he made while I was there, and part of it he made before.

68. What kind of a writing or marking instrument did he use in making that part of the sketch which you saw made?

Ans. He used a common lead pencil.

69. In your answers to Ints. 31 and 32, you state in substance that Mr. Bodge was at your shop quite frequently to see how you were getting along with the construction of the first iron machine, during the month of August, 1882. Will you please state whether while at your shop, during such time, Mr. Bodge made sketches relating to the said machine, or work pertaining thereto; and if so, where and under what circumstances?

Ans. I have no recollections of anything in particular, in regard to sketches, as Mr. Bodge was constantly talking this matter up.

70. Where and with whom did Mr. Bodge constantly talk this matter up?

Ans. In our shop, sometimes at my bench, and sometimes

in our office. I have no knowledge of his talking this matter up with any one except myself. I think Charles B. Gardner was present some of the time, the last two or three days before the machine was completed.

71. During these talks with you, did Mr. Bodge use a pencil or other marking instrument, to mark out or illustrate any parts of the machine or plans therefor, or in ascertaining dimensions or figures relating to said machine?

Ans. Mr. Bodge always used a common lead pencil in my presence, in all his marking and drawing.

72. Will you please state whether the iron machine which you constructed in August, 1882, after Mr. Bodge had given you the rude sketch of such machine, as indicated in your answer to Int. 28, was constructed with the aid of pattern drawings, and if yea, who made said drawings?

Ans. I made working drawings for this machine.

73. What has become of such drawings?

Ans. All of the drawings were left in the shop of Lyon, Bragg & Hubbard, when I retired from said firm. I have no further knowledge in regard to the drawings.

74. What has become of the working drawings that were made for the other two iron machines referred to by you in your previous examination?

Ans. These drawings were with the previous drawings that have been mentioned.

75. Can you state, upon information what became of these various drawings after you left the firm of Lyon, Bragg & Hubbard?

[*Counsel for Prof. Carmichael objects to the question as calling for hearsay testimony.*]

Ans. I cannot, only as Mr. Carmichael came to my house one evening with a few pieces of paper that had some drawings, pencil sketches.

76. What, if anything, did he say?

Ans. He said those were pieces that he had got from Hubbard, Bragg & Co., as the firm is now.

77. Did he say anything further relating to said pieces or any drawings, and if yea, what ?

Ans. He said that the drawings had generally been used for various purposes about the shop and had not been preserved.

[Counsel for Carmichael moves that the latter answer be stricken out as hearsay evidence and not competent.]

78. Will you state, if you know, what has become of the three iron machines which were built under your directions, and to which you have referred in your previous examination ?

Ans. I think the first machine was melted up at our shop, previous to the fire, when the Fibre Ware Mills were burned, at Waterville. The other two machines, according to my best knowledge and belief, went through the fire when the mill was burned. Those machines I bought afterwards of C. P. Sherman, of Waterville, among other old iron that I bought of him, that came from the ruins of the mill.

79. Can you state when this fire occurred ?

Ans. According to my recollections this fire occurred in the fall or winter of 1883-4.

80. In your answer to Int. 63 you stated in substance, that pails made on the last machine you built, as referred to in your previous examination, were put upon the market. If you can will you please state when such pails were put on the market ?

Ans. As near as I can recollect, very few of those pails were sold to private individuals during the month of September, 1883.

81. In your answer to Int. 43, wherein you refer to the first machine built by you for Mr. Bodge, you state : " Mr. Bodge was trying to make pails without doing any finishing, except to sand-paper." Will you please explain a little more fully what you mean by the matter just quoted ?

Ans. I mean, instead of making the pails very heavy and

clumsy, as they are now made, and the surplus stock taken from the outside, by the means of saws or other device, Mr. Bodge was trying to form the pail perfect without this operation, and to finish them by simply sand-papering the outside and trimming the edge of the pail.

82. I direct your attention to the device which I point out to you, and ask you to state if you know what it is, and for what it was used ?

Ans. This device I never saw complete until I came here. The irons on the top I had seen before. This, as I understand it, was used for a plunger or follower, in place of the first one that was made for the wooden machine before described.

[*Said device introduced and marked: "Bodge Exhibit, Sectional Plunger—A. H. D., Ex'r. June 8, 1886."*]

83. Will you state when first you saw the irons, on the top of Bodge Exhibit—Sectional Plunger, and relate the circumstances attending the same ?

Ans. According to my best recollections, those irons were being made at our shop, that is, Lyon, Bragg & Hubbard's shop at Oakland, Me., some time during the month of March, 1883.

84. State, if you know, with what the plunger was used, if at all, and how it was so used ?

Ans. At the time the iron work was made, I made a ring of wood that was turned straight on the outside, to fill the wooden cylinder or the main cylinder of Bodge Exhibit No. 2. This ring was turned tapering on the inside, and at the right diameter at the bottom to bring the sectional plunger together as it was forced down to the bottom.

85. "To bring the sectional plunger together as it was forced down to the bottom" of what ?

Ans. Bottom of the cylinder in forming the pail,

86. When did you make this wooden ring which was made tapering on the inside, as referred to in your last answer but one ?

Ans. According to my best recollections, this wooden ring was made during the month of March, 1883.

87. In view of your last answer but one, will you please state what other parts than the sectional plunger, the tapered ring, and the cylinder, of Bodge Exhibit No. 2, were used in forming the pail?

Ans. I cannot state as this sectional plunger and ring that I made was ever used in this machine, as I never saw them used, and have no certain knowledge of their ever being used. Mr. Bodge remarked to me at the time this work was being done, that he was going back on to the old wooden machine to experiment some more.

88. At, or about the time you made the tapered wooden ring to be used in connection with Bodge Exhibit—Sectional Plunger, was said plunger provided with the iron work on the top of it as it now appears?

Ans. Said plunger, as I have already answered, I never saw before coming here.

89. At, or about the time you made the wooden ring, did you see a part of the Bodge Exhibit—Sectional Plunger as it now is, and if yea, what iron or other work did it have at its top?

Ans. I saw the iron-work which is now attached to the top, as it was being made at our shop—my recollections are—during the month of March, 1883.

90. Have you ever seen any sectional plunger, other than the one here exhibited, in connection with the Bodge Machine, Exhibit No. 2, at the Fibre Ware Company in Waterville?

Ans. I never did. As I understood Mr. Bodge, these irons referred to here were to go on a sectional plunger to take the place of irons that did not work.

[*Direct Examination closed.*]

Cross-Examination by CHARLES F. LIBBY, ESQ., *Counsel for*
CARMICHAEL.

X 91. What was the first work you ever did for the Fibre Ware Company, at Waterville, and when?

Ans. The first work we ever did for the Fibre Ware Company, of Waterville, was to make a segment and pinion pattern from which to take out castings to be fitted up and put on to their water wheel then in use. This work was completed and put on August 2, 1882.

X 92. Was there any urgency in this work?

Ans. There was some, as their mill was shut down on account of the gate gearing being worn out.

X 93. After this lapse of time—about four years—can you distinctly remember the details of the first conversation you ever had with Mr. Bodge, when you casually entered the mill out of curiosity?

Ans. I can, the principal conversation.

X 94. Will you please give it in detail, stating remarks made by Mr. Bodge and those made by you, in the course of conversation, from the beginning of your entrance into the mill?

Ans. As I entered the mill, Mr. Bodge approached me, and said that he had posted notices at the doors of the mill for no one to enter. I told him I came in out of curiosity, to see what they were doing, but would go out if he insisted. He asked me who I was and what my business was. After telling him what my business was, he said he thought I was just the man he wanted to see. After this conversation he took me along to a pail machine, which is exhibited here, and showed me what he was trying to accomplish.

X 95. Is that all?

Ans. He also stated to me that he proposed at some future time—this was after explaining, showing to me the working of said machine—he proposed to have an iron machine built.

X 96. Is that the whole ?

Ans. This is the principal conversation in regard to business.

X 97. If there are any additional details, please give them.

Ans. He showed me the working of the basin machines that were then in operation.

X 98. Anything else ?

Ans. That was all.

X 99. Was any secrecy imposed by Mr. Bodge upon you in the matter of his disclosures, explanations, or intended plans ?

Ans. There was.

X 100. What ?

Ans. He didn't want his idea of the machine conveyed to any one through me.

X 101. Did he give any reasons ?

Ans. He considered this invention a valuable one—that he had conceived.

X 102. What invention do you refer to in your last answer ?

Ans. I refer to the rubber bag, and the hydraulic pressure outside of it ?

X 103. What reasons had he for reposing confidence in you, a perfect stranger to him, whom he had casually met for the first time ?

Ans. I suppose his reasons were this. The Fibre Ware Company, of Waterville, at this time, as I learned afterwards, were out with Webber, Haviland & Philbrick, who had been doing their work previous to this.

X 104. What was the difficulty ?

Ans. As I have learned since, it was on account of pay.

X 105. What was the trouble about the pay ?

Ans. This company, as I understand, didn't pay them very promptly.

X 106. How could Mr. Bodge know, at this time, that you were a person in whom he could safely repose confidence ?

Ans. That I can't tell.

X 107. In your answer to Int. 95, you say he explained the working of the Bodge machine, Exhibit No. 2, as it then was. What explanations did he make to you about the working of that machine?

Ans. He explained to me, at that time, that he had a plunger or follower that was nearly complete that he proposed to force down over the rubber bag, after the stock had been forced in under it, and form the pail by this means; but he proposed, at some future time, to put on water pressure, as he termed it at that time, or hydraulic pressure outside of the bag, in place of the follower or plunger.

X 108. Did he describe the plunger?

Ans. The plunger that was partly completed I saw upstairs partly completed. To all appearances some one had recently been at work on it.

X 109. What sort of a plunger was it?

Ans. Plunger made of soft wood, of staves, tapering on the outside. smaller at the end that had the head in it, so that the hoops might be driven down close to hold it together.

X 110. How did it differ from this exhibit marked Bodge Exhibit—Sectional Plunger?

Ans. The plunger or follower that I saw was made by hand, of soft lumber, with a head in it. As I recollect it now there was a face plate screwed on the head on the outside. This face plate fitted their lathe. This was a device by which to hang his follower or plunger to the spindle of the lathe to turn the inside. I think the inside, at this time, had been roughed out.

X 111. When did you first see this plunger completed?

Ans. August 2, 1882.

X 112. When did you first see it with sectional parts, or hear from Mr. Bodge of any plunger with sectional parts?

Ans. I never saw it with sectional parts. Perhaps I

better correct that; I never saw a plunger with sectional parts for this No. 2 machine Bodge Exhibit, until coming into this office.

X 113. When did you first hear from Mr. Bodge of any plunger, with sectional parts, to be used on a pail machine?

Ans. During the month of March, 1883, at the time we made the wooden ring and the iron-work now on this sectional plunger here before us.

X 114. At the time of your first interview with Mr. Bodge, while he was explaining the working of the machine Bodge Exhibit No. 2, did he state how the machine had previously been used, and why a new plunger was being made?

Ans. He didn't explain that to me, at that time, although he said he had tried to make a pail.

X 115. Did he state what success he had had in trying to make a pail?

Ans. My recollections are now, that he had succeeded in making a rather homely thing by patching up somewhat.

X 116. Did he state how he made it?

Ans. He did not.

X 117. In your answer to Int. 114, you say he did not explain to me, at that time, how the machine had been previously used and why a new plunger was being made. Did he subsequently make such explanation?

Ans. He did not, as I recollect now.

X 118. So that you never knew the previous history of this machine and the efforts of Mr. Bodge to make a pail from it?

Ans. I never had, only as I have stated before.

X 119. In your answer to Int. 107, you say: "He explained to me, at that time, that he had a plunger or follower, that was nearly complete, that he proposed to force down over the rubber bag, after the stock had been forced in under it, and form the pail by this means; but he proposed, at some

future time, to put on water pressure outside of the bag in place of the follower or plunger." Did he state why he was wasting his time in making this plunger, if he proposed then to abandon it for some other device, before he had tested the efficiency of the one he was then constructing?

Ans. He did not.

X 120. In what part of the mill was this pail machine at the time of your first visit?

Ans. On the first floor, near the basin press, on the north or north and east side of the mill, near the centre of the mill lengthwise.

X 121. In your answer to Int. 90, you state that you understood that the irons that you made for Bodge Exhibit—Sectional Plunger, were to take the place of other irons that did not work. Did Mr. Bodge make any statement to you, as to what the difficulty was, about the irons and who had made them?

Ans. He didn't state to me who made the irons; but my recollections are now, that there was a joint where they joined the sectional plunger.

X 122. Had those other irons been made in your shop?

Ans. They had not.

X 123. Did you ever learn where they were made?

Ans. I never have.

X 124. Or how long previous to the time you made the new ones?

Ans. I have no knowledge back of the date of making the new irons.

[*Witness points to Bodge Exhibit—Sectional Plunger.*]

X 125. At the time you made the new irons for this sectional plunger, did it show any signs of having been previously used?

Ans. This plunger before us never appeared at our shop other than the irons that we made, to my knowledge.

X 126. Does this plunger now before us, show the marks of considerable use?

Ans. I haven't examined it in regard to that matter. Machinery after being used for manufacturing pulp a few times, and then sitting after being used for a time, I think it would be hard to judge as to the amount of labor performed in the time of its being in use.

X 127. If you desire to examine it for that purpose, do so. It is in plain view before you.

Ans. I have no desire, on my part, to examine.

X 128. Do you prefer to leave your answer as it stands in connection with Int. 126?

[Objected to—in view of Int. 127, from the form of which it was left optional with the witness as to examination, and no request has been made of him to examine it for the purpose of cross-examination.]

Ans. I do, for the present.

X 129. If you prefer not to take the trouble to go ten feet to examine that exhibit, will you state whether the same as it now stands in plain view before you, exhibits clearly on its surface exposed to your view marks of having been used?

Ans. I have no objection in examining the sectional plunger now before us, if requested so to do, but should say by the marks on the surface that appear to be seen, that this plunger had done some experimenting.

X 130. What different marks would appear on a plunger which had "done some experimenting," from those on one which had done work not of an experimental character?

Ans. I really don't understand, by the question, what Mr. Libby would like to have me explain. Any marks or alterations or changes that would appear on a plunger or follower, would show that there has been some experimenting to cause these changes to be made.

X 131. What marks on this plunger, which you say you

see for the first time in this office, show that the work done by it was work of an experimental character, rather than ordinary use? I refer now to the general appearance of this exhibit, as seen by you.

Ans. I should be obliged to examine in order to answer this question clearly.

X 132. I refer now to your answer to Int. 129, which you gave from seeing the surface of the plunger as exposed to your view, without examination, in which you say: "I should say, by the marks on the surface, that appear to be seen, that this plunger had done some experimenting." What is there in the marks on the surface, that shows that the work done by this plunger was "experimenting"?

Ans. I see no other marks than this: that it looks as though there might have been a band of iron at the bottom, as it now stands. Whether this was a continuous band or a sectional band, I have no means of judging. I also see a nipple up on the side of the follower, that looks as though it was made of tin, with the top knocked in. This looks as though it might have been, at some time, used for a drain-pipe to connect.

[Adjourned to 2.30, same day.]

2.30 P. M.

X 133. Are the marks referred to by you in your last answer, the marks that indicate the extent of use of the machine? If not, will you please state if there are not discolorations upon the surface and splashings of pulp upon the wood and iron work, and other marks, which show that this exhibit has been in use?

Ans. The marks mentioned by me are marks that would indicate some change. There are also marks of pulp and discolorations, which indicate its former use.

X 134. If I understand you aright, between August 2, 1882, and August, 1883, you made three distinct pail machines or Mr. Bodge. Am I correct?

Ans. There might have been one or two parts of the first machine—and I think there was—that were put in to the second machine. The former, if I recollect right, went in, possibly the stock ring. With that exception I think there were three complete iron machines built.

X 135. Will you please describe what form of rubber was used with each of these machines, and how long each machine was in use, as nearly as you can say?

Ans. The first machine, at the first operation, had dental rubber in it for a bag. This was used but a few times, as I recollect, before it broke, after which they ordered one from Boston that was made up of pieces and cemented together in the joints. This was made as near the shape of a pail as convenient to make it—I should have said the *outside* of the pail. After this had been used a few weeks they ordered an iron mould made in Boston in which to have a rubber bag or diaphragm made. This was used a few times, and they gave us an order for a mould which we made and shipped to the Revere Rubber Company, of Boston—my recollections are from the middle to the last of January, 1883. This mould was shipped from Waterville on the Pullman train in the evening, as I delivered the mould at the station myself. This rubber was used also a few times in the first machine. About February 19, 1883, we received an order for the second machine, which, according to my recollections, was completed in March, 1883. This second machine had the rubber that was used in the first machine. This machine was used some during April and May the same year, and was found to be quite perfect in its workings. During the month of June, the same year, we received an order for the third machine, built on the same principle as the second machine. This machine was pro-

vided with a device for raising and lowering the former. This machine had a rubber bag made up of pieces, and as I recollect now, was made by N. P. Hanson, who was at work for them at that time. This machine, as I recollect now, was completed about the middle of August the same year. The last two machines had a rubber packing ring around the bottom of the former which packed the joint between the former and the stock ring.

X 136. Which, if any, of these machines was successful in its ordinary operation in making pails ?

Ans. The last two were quite successful.

X 137. How far, and in what degree was each successful ?

Ans. They made quite perfect and uniform pails. So much so that I think there were upwards of fifty of them finished.

X 138. By which machine were the fifty pails, referred to in your last answer, made ?

Ans. These pails were made in the last two machines mentioned. There was but very little difference in the pails made in the two machines.

X 139. Do you know, of your personal knowledge, what proportion of the fifty pails mentioned by you were made on each of the two machines referred to ?

Ans. I do not.

X 140. Was the first machine made by you and set up in the latter part of November or early in December, 1882, a successful machine in making pails ?

Ans. It was not very.

X 141. How long was the wooden machine, parts of which are now before you, marked Bodge Exhibit No. 2, used, on which you say in your answer to Int. 19 you saw two imperfect pails made on the 2d day of August, 1882 ?

Ans. I have no personal knowledge of its being used but very little after that day.

X 142. Have you ever known of this machine being used with a sectional plunger?

Ans. I have no certain knowledge that it ever was.

X 143. Was anything said by Mr. Bodge to you, as to when he conceived the invention referred to in your answer to Int. 102?

Ans. He did not tell me when he conceived it.

X 144. Did he, in any conversation with you, speak of it as a new idea that he had just got, or words to that effect?

Ans. I don't think he ever did.

X 145. Did you ever make a statement to that effect to anybody?

Ans. I have no recollections of it now.

X 146. How does it happen that this machine, Bodge Exhibit No. 2, was not destroyed with the other machines, in the fire that burned the mill?

Ans. As I have understood, by Mr. Bodge and others, this machine was carried away from the mill by Mr. Bodge, at the time they were having the controversy in regard to his procuring his patent; as he utterly refused to assign it to the Fibre Ware Company.

X 147. When was that?

Ans. This, according to my best recollections, was some time during the summer and fall; I should say from recollections, during the month of August or September, 1883.

X 148. In any of the pail machines which you have described, as having seen in use at the mill, in Waterville, from August 2, 1882, to the time the mill was burned, was any process of suction used in forming the pail? and if so, state what machine and how it was operated in that respect.

Ans. The first machine that was built by us, in 1882, was changed at one time, to form a pail on the inside of the former, with a heavy cast iron dome that the former fitted inside of. This dome was channeled or grooved on the inside next to the

former for drainage and suction. This machine after it was changed and set up, as I understood Mr. Bodge, had the suction and also the hydraulic pressure attached thereto, but did not work. This machine I never saw in operation, the inside former of which is now in the office—or adjoining office.

X 149. When was this experiment made?

Ans. These parts were being made the last of December, 1882, and the fore part of January, 1883, and were tried, I think, during the month of January, 1883.

X 150. When did this idea of using hydrostatic pressure from the outside, with a rubber bag, or diaphragm, first take a successful shape in a working machine, with which you had anything to do in the making of it, as previously described?

Ans. The first good pail that I ever saw made—what I mean by this is, as nearly perfect as could be made without some device for dressing the outside, except sand-papering, was made on the evening of the 16th of February, 1883.

X 151. Was the success of that machine, at that time, sufficient to demonstrate the efficiency of that method of making pails?

Ans. The parties present at that time so considered it.

X 152. Why, then, did Mr. Bodge, subsequent to that time, go back on to the old wooden machine and plunger method, as you have stated in your previous testimony in answer to Int. 87, and those prior?

[*Objected to—incompetent.*]

Ans. These machines, and also the men that were operating them, had bad days for doing good work. When these bad days came about they would sometimes resort to other methods for accomplishing the work.

X 153. In your answer to Int. 28 you speak of a rude pencil-sketch made by Mr. Bodge of the first machine for which he gave you an order. What sort of a sketch was it? and what

if anything, did it indicate, with regard to the facility of Mr. Bodge in making sketches of machines to be constructed?

Ans. The sketch that he gave me August 2, 1882, was partly completed and finished in my presence. This was not a very clear idea of what he wanted; but as I had been quite used to working from such sketches before, I made working drawings from his sketch and built the machine. It seemed to meet his ideas very favorably.

X 154. During your somewhat extensive employment in making changes and experimenting with these different machines, to what extent was your own skill and facility as a draughtsman and machinist drawn upon by Mr. Bodge?

[*Objected to—immaterial.*]

Ans. At times to a considerable extent.

X 155. In what particulars?

[*Same objection.*]

Ans. In regard to the construction of new machines and changes that were being made.

X 156. Among the pieces of paper which, in your answer to Int. 75, you say that Mr. Carmichael brought to your house one evening, with some pencil drawings upon them, did you see any sketches made by Mr. Bodge for this first machine, or any other sketches made by him at any other time having reference to these matters?

Ans. I saw on one piece of paper that Mr. Carmichael had at my house, a pencil sketch that I was not able at that time, and am not now, to say whether the sketch was made by him or myself. I do know this much, that the figures giving the dimensions thereon, were made by myself.

X 157. Was there more than one piece of paper, on which you saw any sketches, which you even thought might have been made by Mr. Bodge?

Ans. There were none aside from the piece mentioned.

X 158. When were these pieces of paper brought to your house by Prof. Carmichael?

Ans. I have no memorandum by which I can state positively, but I think it was the fore part of May, 1886, according to my recollections.

X 159. Do you recall your conversation with Prof. Carmichael about these sketches?

Ans. I think in substance it was nearly as I have stated here in regard to these sketches.

X 160. Can you give the conversation, in substance, as it took place between him and you in regard to this matter?

[*Objected to—as not referring to matters inquired of in direct examination.*]

Ans. I cannot only in regard to the sketch, as everything outside of that I considered confidential at the time, and there was no one present at the time, except my wife.

X 161. What do you mean by the phrase that you considered it confidential?

Ans. I mean by that, that I supposed that was the end of the conversation, and it would go no further, as there was, at that time, a misunderstanding between me and Mr. Bodge in regard to certain business matters.

X 162. Did that misunderstanding affect the accuracy or truthfulness of your statement then made to Prof. Charmichael?

[*Objected to—irrelevant and not referring to anything inquired of in the direct examination.*]

Ans. It did not in the least.

[Adjourned to June 9, 1886, 9 A. M.]

JUNE 9, 1886, 9:30 A. M.

X 163. When was the misunderstanding referred to in your answer to Int. 161 removed?

Ans. The misunderstanding that I refer to, between Mr.
19—P. O.

Bodge and myself, was in regard to the financial standing of the Fibre Ware Company. He had constantly stated to me that they were perfectly good. But when the final settlement came between us and them, we were obliged to take sixty cents on a dollar for our bill. The sixty cents amounted to about \$820 according to my recollections. This misunderstanding, of course, was partially removed at the time of settlement, if not wholly.

X 164. In your answer to Int. 161, you state that you supposed that your conversation with Prof. Carmichael would go no further, as there was, *at that time*, a misunderstanding between you and Mr. Bodge, in regard to certain business matters. Does the misunderstanding which existed at the time of your conversation with Prof. Carmichael, exist to-day?

Ans. I would like to explain this misunderstanding mentioned, now. After the Indurated Fibre Company was organized Mr. Bodge came to our place to see about having new machines built for manufacturing pails and hollow ware, and finally before leaving decided to have all patterns in our possession formerly belonging to the Fibre Ware Company shipped to Saccarappa. I don't recall the full name of the firm to whom they were shipped. The last firm name was Brown. The firm really was Foster & Brown, as it occurs to me now. After this interview with Mr. Bodge at our place, I was advised not to ship patterns until I received orders from head-quarters. This advice I complied with. After a few days, I received a letter from Mr. Bodge inquiring why I did not ship the patterns. I replied that I would when I received orders from head-quarters. In a very short time I received an order from Franklin J. Rollins to ship patterns to Foster & Brown, Saccarappa. I also, at about the same time, received quite a sharp letter from Mr. Bodge in regard to the matter, which I replied to, and explained my reasons for not shipping, as I agreed with him.

This matter stood in this way, until I met Mr. Bodge about

four weeks ago, perhaps a little less than that. I approached him in regard to the matter, and told him I thought we had better talk the matter up, and come to some understanding in regard to the matter. This we did; and this was after the conversation with Prof. Carmichael. This last conversation with Mr. Bodge was at Webber & Philbrick's shop, in Waterville, where I am employed.

X 165. What explanations of your reasons for not shipping the patterns did you give Mr. Bodge, in your reply to the quite sharp letter which you received from him, as stated in your last answer?

[*Objected to—as not referring in the slightest to matters inquired of in the direct examination, and as immaterial to the issues involved.*]

Ans. I told him we proposed to take our orders from headquarters, as we thought the loss on the bill that we had recently settled came from his misrepresenting the standing of the company.

X 166. What understanding did you come to about the matter, and how was it brought about, as stated in the latter part of your answer to Int. 164?

Ans. As I have already stated in a previous answer, I approached Mr. Bodge in regard to the matter, and told him that we had better come to some understanding in regard to the misunderstanding. I also told him why I did not comply with his order for shipping the patterns. He said this being the case, he did not consider me to blame.

X 167. How did Mr. Bodge happen to be at the shop where you were employed, about four weeks ago?

Ans. He came there with S. W. Bates.

X 168. For what purpose?

[*Objected to—as incompetent.*]

Ans. Mr. Bates and Mr. Bodge came there to ascertain, as near as possible, the date of the first time of my being in the

Fibre Ware shop; and also to ascertain at what time we commenced to work for them, as near as possible.

X 169. Had Prof. Carmichael, at an earlier date, and before your misunderstanding with Mr. Bodge had been adjusted, been to see you with reference to the same matter?

Ans. He had.

X 170. Did you then make statements to him, placing your first visit to the Fibre Ware Company's mill in Waterville, at a later date than you now fix it in your testimony?

Ans. I did not fix any date with Prof. Carmichael. Simply this: I told Prof. Carmichael, in the first place, according to my recollections, it must have been the last days of June. I told him I could ascertain a little closer, if I knew the dates on the company's books of the first job that we did for them. I also told him I thought it about three weeks previous to the first charge on the books that I was in the mill. He remarked then and there, that the first dates on the book were August 2d. I told him, that being the case, it must have been towards the middle of July that I was there.

X 170. I notice that you introduce your last answer by the words: "According to my recollections." Are you willing to swear positively, that in your conversation with Prof. Carmichael you fixed the date of your first visit to the mill in Waterville, as the latter part of June or middle of July, as there stated?

Ans. I am.

X 172. How many conversations did you have with Prof. Carmichael on this matter?

Ans. I think I met Mr. Carmichael at three different times.

X 173. At what intervals apart?

Ans. The first time I met Mr. Carmichael was at Webber & Philbrick's shop, at Waterville, where I am employed. On the evening of the same day he came to my house. A few days later than this, when I drove into my yard, returning home from

my work, Prof. Carmichael was standing inside of my gate, in my yard. He approached me, said he would like to see me for a few minutes. I asked him to step into the house while I put my horse up, and I would see him. I also saw him in the house.

X 174. At your first interview with Prof. Carmichael, did you not state to him, that your first visit to the Fibre Ware Company's mill, in Waterville, was not more than four or five days previous to the first job of work that your old firm of Lyon, Bragg & Hubbard did for them, and referred him to the books of the old firm, as fixing that date, at the same time telling him where those books could be found?

Ans. The statement that I made to Prof. Carmichael, at that time, was this, or very nearly: About two weeks after my being in the Fibre Ware Company's mill, the first time, Mr. Bodge came to our place with an old segment and pinion that was worn out, and requested me to make patterns from which to take out castings and fit up and put on as soon as possible. I also told him that it was about one week from the time I received the order up to the time this work was put on, and that was the first charge on the books. I also told him that he would probably find the books at George W. Hubbard's house in Oakland, as I had understood that the old books were kept at his house.

X 175. After Prof. Carmichael had been to see the account books of your old firm of Lyon, Bragg & Hubbard, and had reported to you the date of the first charge for work done for the Fibre Ware Company as August 2, 1882, did you not state to him, that your first visit was not more than four or five days previous to the commencement of the first job, and that the job was finished in about three days, as the mill was shut down and the work pushed right along, or words in substance to that effect?

Ans. I have no recollections of any statements to him in

regard to this matter, different from what I have previously stated, as it would take me at least three days to make the pinion and segment pattern, and as we were only casting twice a week at that time, it would have been impossible for us to have got out the castings and finished this work and put it on, in much less than one week.

X 176. Did you not, in one of the conversations you had with Prof. Carmichael at this time, state to him that Mr. Bodge never made any sketches of the machines you built, only a few rough lines, and that you had to furnish the drawings and many of the ideas that were embodied in the machine, or words to that effect?

[*Objected to—as not specifically fixing time and place.*]

Ans. I think I made this statement to Prof. Carmichael, at one of our interviews—I can't say which, at this time—that Mr. Bodge had never furnished any scale drawings, or working drawings of any of the machines that we built. He had usually given pencil-sketches, with figures thereon, that were generally put there by myself, as he generally claimed that he had no time to make working drawings.

X 177. Did you not further say to Prof. Carmichael, at one of the conversations above referred to, that Mr. Bodge, in your intercourse with him, showed no mechanical skill or inventive capacity, and that you wondered at the time you were building the machine, where he got the ideas of the rubber diaphragm and hydraulic pressure?

[*Objected to—as before.*]

Ans. I think I remarked to Prof. Carmichael, at one of our interviews, that Mr. Bodge was not much of an inventive genius and I didn't consider him a great mechanic, but had never before learned where he got the idea; that is, what I mean to be understood by this, that I never before learned where he got the idea, until this controversy came to my ears.

X 178. Did you not further state to him, at this time, that

the work your firm did in making these machines was charged to the Fibre Ware Company, and that when the machines reached the point that they appeared to promise success, Mr. Bodge came to you and wanted you to make the charges to him personally, and that you refused to do so, not considering it honest or honorable on Bodge's part, as up to that time he had represented the work was being done for the Fibre Ware Company, and that he was in their employ and working for their benefit; and that thereupon Bodge became very angry with you, or statements to the above effect?

[Objected to—as immaterial, irrelevant and improper, and the question is further objected to that it does not refer to matters brought out on direct examination, that the interrogating counsel is making the witness his own, and the question is therefore manifestly leading.]

Ans. What do you mean by “at this time?”

X 179. I mean by the words “at this time,” at the time of one of the conversations that you had with Prof. Carmichael, as previously stated by you.

[Same objection as to X Int. 176.]

[Question 178 re-read for the fourth time.]

Ans. Mr. Bodge came to me some time during the progress of the third machine, after a part of this bill on this machine mentioned had gone into the Fibre Ware's office at Waterville, and asked me why I had charged this machine to the Fibre Ware, as he had supposed it was for himself. I told him I hadn't understood to the contrary but what this machine was being built for the Fibre Ware Company, and as part of the bill had gone into the company's office, I didn't propose to recall said bill and change the charges on the books, but should go on and finish said machine and charge it to the Fibre Ware Company. He seemed to be a little out of sorts at that time, but on the following day he came to me and requested me to go on with the work as far as it was possible, as it was all right.

X 180. On the piece of paper that in your answer to Int. 156, you say that Prof. Carmichael brought to your house one evening, having a sketch upon it that you were unable to say was made by yourself or Mr. Bodge, and which piece of paper in your answer to Int. 157, you say was the only piece of paper on which you saw any sketches which you even thought might have been made by Mr. Bodge, will you please state whether or not you saw on that piece of paper any red and blue lines, such as are made by pencils similar to Bodge Exhibit No. 1 ?

Ans. The piece of paper that Prof. Carmichael carried away from my house, that had the sketch or sketches referred to, had no other lines other than lines made by a common lead pencil, that came to my view at that time. The two pieces of paper that Prof. Carmichael left at my house, I have no recollections of seeing any red or blue pencil marks on those, still I have never examined carefully in regard to this.

X 181. If there are any red and blue lines upon the piece of paper referred to in Int. 180, were they placed there by you ?

Ans. I think not. That is if they refer to any line or lines describing any part of a pail machine.

X 182. Were you in the habit of using a red and blue pencil ?

Ans. According to my best recollections and belief, I bought a pencil at one time of C. W. Fulsom, in Oakland, that was painted blue on the outside, a round pencil, quite a large pencil for coarse marking, with the red lead in one end, blue in the other, as I recollect it now, to complete some draughts of hay-press drawings, of which I wanted to show the full details on one drawing, so that the men would be able to work by it without making all the details separately. This pencil I used but a short time before some one was kind enough to take it away. Haven't had anything of the kind since.

X 183. When was it that you purchased the pencil above referred to by you?

Ans. I am not able to state whether this was in the summer of '82 or '83, as I made drawings of hay-presses both years.

X 184. Were there any drawings of hay presses made by you on the piece of paper brought to your house by Prof. Carmichael, and referred to in your answer to Int. 156?

Ans. All the drawings or marks that I recollect of now was a pencil sketch of a part of a pail machine which I have no idea but it represented part of, with the figures attached thereto, and a little ways from this, as I recollect, on the same side of the paper, towards the corner, was a section undoubtedly started for something of the same kind, but not finished. There were no figures on this sketch, as I now recollect it. This is all the drawings or pencil sketches that I recollect of seeing on said paper at this time.

X 185. In the course of your conversations with Prof. Carmichael, at Waterville, as before stated by you, did you make any statement as to having seen any colored sketches, or such drawings made by Mr. Bodge?

Ans. I never did to him or any one.

X 186. At the close of the conversation with Prof. Carmichael, or during the course of it, when the matter of Mr. Bodge's reputation and honesty was discussed, did you state to Prof. Carmichael that from your long experience with Mr. Bodge, you would not be surprised at any act of deceit or treachery on his part, or words to that effect?

[*Objected to as manifestly improper. And motion is made to strike the question from the record.*]

Ans. I did not.

X 187. When did you forward or send to the Indurated Fibre Company the patterns referred to in your answer to Int. 164?

Ans. These patterns, according to my recollections now, were
20—P. O.

shipped to Foster & Brown, Saccarappa, during the month of March or April, 1884.

X 188. At the time Mr. Bodge and Mr. Bates went to see you about four weeks ago, as stated in your answer to Int. 167, and your misunderstanding with Mr. Bodge was adjusted, was it then arranged that you should appear as a witness for Mr. Bodge in these Interference proceedings?

Ans. It was not; and I would like to say right here and now, that the adjustment of the misunderstanding wasn't adjusted nor talked of until after all other conversation had been finished, and he, Bodge, was about to leave the shop, when I approached him on the subject.

X 189. When was it finally determined that you should appear as a witness for Mr. Bodge in these proceedings?

Ans. I never had any idea until after coming here that I was a witness for Mr. Bodge—supposed all the time I was a witness for the Indurated Fibre Ware Company, as I had learned previous to this that Mr. Bodge had disposed of his entire interest to the Indurated Fibre Ware Company.

X 190. When was it first arranged that you should appear here as a witness for the Indurated Fibre Company?

Ans. It was the last days of the week previous, or the first day of the week that I arrived here, on the 26th day of April.

X 191. What do you mean by arriving here?

Ans. I mean to be understood by this, on the day which I arrived in Portland and came to this office.

X 192. Since that time have you been giving substantially your whole time to the Indurated Fibre Company in matters connected with this case?

Ans. Since I have been here I have examined bills that were sent from the office of Lyon, Bragg & Hubbard to the Fibre Ware Company's office in Waterville.

X 193. Since the 26th day of April last, how much time

have you given to your regular business as a pattern maker and machinist in the employ of Webber & Philbrick?

Ans. Haven't struck a clip.

X 194. Who has paid, or is to pay, for your time and services since that date?

Ans. I don't know. That matter has never been mentioned to me in regard to pay, or who will pay. S. W. Bates, formerly of Waterville, requested me to be here at this office April 26th. I came here according to his wishes, and, as he stated to me at the same time, the probabilities were they would want me to testify in this matter about that day.

X 195. Whom did Mr. Bates claim to represent in making this arrangement?

Ans. I had understood from him, or some one, that he represented the Indurated Fibre Company of Portland, Maine. I think it was him that stated to me *the company* at the time, but didn't say what company.

X 196. Did you leave your employment and family in Waterville, and come here in the interest of the Indurated Fibre Company, prior to the commencement of the taking of this testimony, and during its progress, without any intimation as to compensation for your time and services?

[*Objected to—because it does not specify what testimony, whether for Carmichael, or on behalf of Bodge.*]

Ans. I left my business in Waterville, and family in Oakland, without any understanding with regard to compensation whatever. That matter as to pay, and how much, has never been mentioned in my presence before now.

X 197. Where have you been living since you have been in Portland?

Ans. I have sort of been boarding round. I stop at the Preble House nights—sometimes getting my supper and breakfast, but have always got my breakfast there when I stopped over night. Other meals I have generally taken at Johnson's

Saloon on Exchange Street. When I haven't been boarding at these places mentioned, I have been boarding with Mrs. Lyon, in Oakland.

X 198. Were you present here during the examination or cross-examination of Prof. Carmichael in this case ?

Ans. I was not.

X 199. What witness was under examination when you first came here into this office, after examination had commenced ?

Ans. I am not able to state who was being examined when I first came in here ; from recollections now, I should say Mr. Rollins, but am not certain.

X 200. Has all your time been subject to the orders of the Indurated Fibre Company, since the 26th day of April last ?

Ans. I have been at this office most every day, but have spent considerable time looking about the city.

[Cross-Examination closed.]

[Adjourned to 2 P. M., same day.]

2:30 P. M.

Re-direct Examination by MR. LANGE.

R. D. 201. You were asked on your cross-examination with regard to certain conversations Prof. Carmichael had with you, relating to the Bodge invention or machines, and you gave the number of conversations as being three. Will you please state when these conversations occurred ?

Ans. During the latter part of April, 1886.

R. D. 202. At the first conversation, did the Professor make himself known to you, and had you known him previously ?

Ans. After he had commenced his conversation with me, a young gentleman that I didn't know at that time, stepped along and introduced Prof. Carmichael to me. I afterwards understood the young gentleman was Dr. Hill, of Waterville.

R. D. 203. What, if anything, did the Professor give as the object of his first interview with you?

Ans. He claimed to me that he gave Mr. Bodge the idea of the rubber diaphragm, and the invention, of which Mr. Bodge had procured the patent for making pails, as I now recollect it.

R. D. 204. At which of these conversations did he have the drawings or sketches to which you have previously referred?

Ans. This was the third or last interview that I had with Prof. Carmichael?

R. D. 205. Did he state where he had obtained them?

Ans. I think he did.

R. D. 206. Where?

Ans. I think he said he obtained them of Mr. Bragg, at Hubbard, Bragg & Company's shop.

R. D. 207. Did he state to you the object he had in looking up the drawings relating to the Bodge invention or machines?

Ans. I think he didn't mention that.

R. D. 208. Did he give any reason to you for leaving part of the papers or drawings he had at your house and taking the balance away with him?

Ans. He did not.

R. D. 209. Do you know, from anything he said to you, during those conversations, of any reason for his examining into the history or facts pertaining to the Bodge invention or machines?

Ans. Nothing, except as he told me he gave Mr. Bodge the idea.

R. D. 210. In your answer to X Int. 199, you stated in substance that you were not able to say who was first being examined when you first came into this office, but from recollection you should say it was Mr. Rollins. Can you state when you first saw Mr. Rollins on the stand under examination?

Ans. I first saw Mr. Rollins on the stand on Friday, after

I came here on Wednesday, of the same week, two weeks ago to-day.

R. D. 211. In view of your last answer, will you please state when you first came to this office, or to the city of Portland, in any matters pertaining to this case or your appearance here as a witness?

Ans. I left home May the 26, 1886, on the 9:30 train, and arrived here in Portland on the same day about 12:30.

R. D. 212. During your examination have you stated otherwise; and if yea, have you anything to say in the matter?

Ans. I have stated in my previous answers that I arrived here the 26th day of April, which was a mistake of mine; but as a matter of fact, it was the 26th day of May, 1886.

R. D. 213. If you have any explanation to offer, as to how the mistake occurred, please to make it?

Ans. I had in my mind, at this time, that my first interview with Prof. Carmichael was on or about the 26th of April, 1886, and sort of placed my answer on that month instead of May 26, which I should have said,

R. D. 214. State positively, if you can, how many weeks you have been in the city of Portland in this present case?

Ans. I arrived here two weeks ago to-day, about 12:30 in the afternoon.

R. D. 215. Please state whether or not you are directly or indirectly interested in the Indurated Fibre Company, and in the present controversy between Prof. Carmichael and Joseph G. Bodge.

Ans. I am not interested any way with the Indurated Fibre Company, but am here, as I understand it, as a witness or evidence in this case for them.

R. D. 216. Will you please state whether or not you expect to receive any pay or other emolument than the ordinary fees allowed in Court cases for travel and attendance, for your attendance as a witness in this cause?

Ans. I expect to receive fees that the law allows and nothing more, except as it might come from the generosity of the firm, if they see fit.

Re-Cross-Examination by MR. LIBBY.

R. X 217. What wages do you earn per day as a skilled machinist and patten maker in your business?

Ans. Since 1884, during the dull times, I have worked for 25 cents an hour, and part of the time for 27½ cents—as I have been in the habit of working by the hour since 1865, and not by the day.

R. X 218. Were you summoned as a witness in this case, to appear here at Portland, or did you come without a summons?

Ans. At the time I saw Mr. Bates, a few days before I came here, he said I had better come here on Wednesday, and asked me if I would come. I told him I would if nothing prevented. That is all the summons I received.

ASA J. LYON.

JUNE 9, 1886, 3:30 A. M.

WILLIAM A. BODGE,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by WILBUR F. LUNT, Esq., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation?

Ans. William A. Bodge; 47 years; Brunswick; Superintendent of the Androscoggin Pulp Company.

2. Where were you living in the summer of 1882?

Ans. Brunswick, Maine.

3. Is Joseph G. Bodge a relative of yours; if so, how is he related?

Ans. He is a brother of mine.

4. In the month of July, 1882, was Joseph G. Bodge in Brunswick, to your knowledge?

Ans. He was.

5. At what place in Brunswick did you first see him, as you remember, in the month of July, 1882?

Ans. Met him at the mill.

6. About what time in the day?

Ans. About noon.

7. Will you state, if you please, what, if anything, Mr. Joseph G. Bodge did there at the mill?

Ans. I don't remember that he did anything.

8. Where did he go from the mill?

Ans. Went to Mr. Bangs', where I boarded at the time.

9. Did any one accompany him—if so, who?

Ans. I think I did.

10. What did he do at Mr. Bangs'?

Ans. Took dinner with me.

11. Do you know where he went after dinner; if so, where?

Ans. I harnessed my horse and carried him to Mr. Carmichael's.

12. Leave him there?

Ans. Yes sir.

13. Did Mr. Joseph G. Bodge take dinner with you at any other time in the summer of 1882?

Ans. No sir.

Cross-Examination by CHARLES F. LIBBY, ESQ., *Counsel for*
CARMICHAEL.

X 14. What day of July, 1882, was this, that your brother took dinner with you in Brunswick?

Ans. July 11, 1882.

X 15. Was he frequently in Brunswick, during that year?

Ans. No sir, I don't remember of seeing him there any other time that year.

X 16. Are you positive about this?

Ans. Yes sir, I am.

X 17. Do you remember of explaining to Prof. Carmichael, in 1882, why your brother, Joseph G. Bodge, did not call upon him at the time of one of his visits there, in connection with matters of the Treatment House?

Ans. I do not.

X 18. Do you remember of making such an explanation to Prof. Carmichael at any time?

Ans. I think the question was asked me at one time, but what time I don't know. I don't remember.

X 19. How, then, can you say that it was not in the year 1882?

Ans. No sir, I think not.

X 20. Did you misunderstand this last question?

Ans. I did.

X 21. Will the Examiner please read to the witness Int. 19, in connection with his answer to the previous interrogatory?

[*Int. 19 repeated.*]

Ans. I can't say.

X 22. How are you able to fix this date as July 11, 1882, that your brother dined with you?

Ans. I fix it from the fact of boarding where I did and other circumstances connected with that month—that year.

X 23. Explain how those facts and circumstances fix it to your mind?

Ans. From the fact that I never knew of his being there any other time than that month or year.

X 24. You have referred to the fact of boarding where you did, as fixing that date. How does that fix it?

Ans. It was all the place I boarded that year, or that month?

Ans. How does that fix the date in July as being on one day in that month, rather than another?

Ans. Because his dinner was paid for that day in that month.

X 26. What record of that fact have you?

Ans. I haven't any of my own.

X 27. What other facts and circumstances referred to in your answer to Int. 22 fixes the date in your mind?

Ans. I can't remember of any.

X 28. When did you first learn that it was important to fix this date in July?

[*Objected to—assuming knowledge on part of witness not shown.*]

Ans. The question was asked me if I remembered my brother being there in July—I don't know how long ago.

X 29. Who asked you the question?

Ans. I think Mr. Brown did.

30. Which Mr. Brown?

Ans. I won't be certain as he asked me the date. It was Charles D. Brown.

X 31. What did he ask you?

Ans. I don't remember the precise words. He asked me if I remembered my brother being out there any time those years.

X 32. What years?

Ans. I don't know whether he named '81, 2 or 3. I don't remember particularly about it.

X 33. When did you first learn that it was important to fix this date in July, 1882, and from what source did you learn it?

[*Objected to—same as last objection.*]

Ans. That was the first I knew anything about the dates. I began to look over the books to see if I could find anything.

X 34. If you don't know whether he named the year 1881, 1882 or 1883, as indicated in your answer to Int. 32, how did you know what to look for?

Ans. I didn't know.

X 35. When did you first learn what you wanted to look for?

Ans. I think it was some two weeks ago, I found where his dinner was paid for the 11th day of July, 1882.

X 36. Is that what you were asked to look for?

Ans. It was not.

X 37. Did you look to see what dinners you had paid for in the year 1881?

Ans. No, I didn't.

X 38. Did you look to see what dinners you had paid for in the year 1883?

Ans. No, I was keeping house.

X 39. Who else, besides Mr. C. D. Brown, has talked with you as to this date in July?

Ans. No one, of this particular date.

X 40. Who has talked with you about any other date in July?

Ans. My brother Joseph has asked me to see if I could find any other dates, of any time he was there.

X 41. When did he talk with you?

Ans. I think it was two weeks ago.

X 42. What date did he say he wanted to show he was in Brunswick in July, 1882?

[*Objected to—as assumption.*]

Ans. He did not name any date to me.

X 43. Why then did you say in your answer to Int. 40, "My brother Joseph asked me to see if I could find any *other* dates of any time he was there"?

Ans. I said so, because he asked me.

X 44. What did you mean by the word "other" in that answer—other than what date?

Ans. Any other date than the one that was referred to at the time we were talking—than the one that had been found.

X 45. What date was referred to at the time you and your brother Joseph G. Bodge were talking, as indicated in your last answer?

Ans. We found that his dinner was paid for July 11.

X 46. Where did you find that his dinner was paid for on that date?

Ans. Found it in a little old memorandum book.

X 47. Whose book?

Ans. My wife's.

X 48. What was the entry you found?

Ans. Just a minute of where his dinner was paid for and the amount.

X 49. How did the entry read?

[*Objected to—calling for contents of writing and not best evidence.*]

Ans. I can't remember just how it read, because it wasn't my writing nor book.

X 50. How long ago did you see it?

Ans. I saw it two weeks ago, I think.

X 51. Can't you remember the form of an entry you saw two weeks ago?

Ans. I think it was: "Paid Mrs. Bangs 35 cents for dinner of J. G. B."—I think that was the way it read. The date was also there, July 11, 1882.

X 52. Who paid for the dinner?

Ans. My wife.

X 53. Was the dinner charged to anybody?

Ans. I don't know as to that. I presume it was.

X 54. To whom do you "presume" it was charged?

Ans. To me, if anybody.

X 55. Is the Mr. Charles D. Brown referred to in your answer to Int. 30, one of the officers of the Androscoggin Pulp Company, which employs you as Superintendent, and the same gentleman now present at this examination in this room?

Ans. It was, and he is now present in this room.

X 56. Who are the other officers of the Androscoggin Pulp Company besides Mr. Charles D. Brown?

Ans. Mr. C. A. Brown, E. B. Denison, Mr. Russell, of Lawrence—I don't remember his given name. I think it is William A. Russell.

Re-Direct Examination by MR. LUNT.

R. D. 57. Do you remember the fact of the death of Charles Bodge, son of Joseph?

Ans. I do.

R. D. 58. Do you remember when it occurred?

Ans. No. I couldn't say the exact day. It occurred in July, 1882—the 21st or 22d.

R. D. 59. Do you remember, by reason of that circumstance, that your brother Joseph called upon you in the month of July, 1882, before the death of his son?

[*Objected to—as leading.*]

Ans. I do.

[Adjourned to 10 A. M., June 10, 1886.]

JUNE 10, 1886, 10 A. M.

Re-Cross-Examination by MR. LIBBY.

R. X 60. Did you see your brother again on the 11th day of July, after you carried him to Prof. Carmichael's house?

[*Objected to—as not proper Re-Cross, simply a resumption of cross-examination.*]

Ans. I don't remember of seeing him.

R. X 61. Do you know when he left Brunswick that day, or which direction he took on leaving Brunswick—east or west?

[*Same objection.*]

Ans. I do not.

R. X 62. When did you first recall the fact that your brother visited Brunswick, before the death of his son, in July, 1882?

Ans. Some two weeks ago.

R. X 63. Can you also recall the fact that he also visited Brunswick, after the death of his son, in 1882?

Ans. I cannot.

WILLIAM A. BODGE.

JUNE 10, 1886, 10:15 A. M.

NELLIE E. BODGE,

Being duly sworn, doth depose and say in answer to interrogatories proposed by WILBUR F. LUNT, Esq., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age and residence?

Ans. Nellie E. Bodge; 33 years; Brunswick, Maine.

2. Are you a married lady; if so, will you give the name of your husband?

Ans. Yes. My husband is William A. Bodge.

3. Were you the wife of William A. Bodge in 1882; and if so, where did you reside at that time?

Ans. I was. Brunswick.

4. In the month of July, 1882, state whether you were keeping house, or what your household arrangements were.

Ans. I was boarding.

5. With whom were you boarding?

Ans. Mrs. Bangs.

6. Where is Mrs. Bangs?

Ans. In California.

7. Will you state whether or not Joseph G. Bodge, a party to the record in this case, took any meal with your husband in Brunswick, Maine, in the year 1882, at your boarding place; and if so, whether he took more than one meal with him while you were boarding with Mrs. Bangs?

Ans. He took one meal there. He only took one meal there.

8. When was it that Mr. Joseph G. Bodge took that one meal?

Ans. July 11, 1882.

9. Did you, at that time, keep any memorandum, or make any entry at that date, in relation to the circumstance of Joseph G. Bodge taking the meal alluded to?

Ans. I did.

10. Will you please produce it?

Ans. I will, and do.

11. Will you please read the entry?

Ans. July 11, 1882, "Paid Mrs. Bangs .35 for dinner for J. G. B."

12. Do you recollect the fact of Joseph G. Bodge being there at your boarding place to dinner, and did you eat with him?

Ans. I do recollect it, and I did not eat with him.

13. Why not?

Ans. The table was full, and I let him have my place.

14. Have you any objection to allowing your memorandum book to be taken and used as an exhibit in this cause?

Ans. I have.

15. Will you allow the Examiner to copy the consecutive dates of the entries from the top of the page in which this date occurs to August 1st, on the next page?

[*Counsel for Prof. Carmichael claims that the original memorandum book should go in as a part of the case, having been produced by the witness as a record of a transaction which fixes a date; and that a copy of a memorandum is not admissible, and that the original book must be produced for inspection to enable the Patent Office to judge of the character and value of the testimony.*]

[*Counsel for Mr. Bodge replies, that the memorandum book contains entries made by a married lady relating to her private concerns, and out of deference to her, and also her rights to the memorandum book as her private property, which she declines to deliver to be used as an exhibit in this case, they are unable to introduce the book itself in evidence; that the same, with the consent of the deponent, which she has given, may be inspected by counsel on the other side, who is now availing himself of the opportunity.*]

[*Counsel for Prof. Carmichael insists that if the testimony of this witness is to stand as a part of the case, the original memorandum book, as a matter of right, shall go in as an exhibit in the case, the same as any other document or paper which is used as a record to establish any fact material to the issue; and that the inspection, which is offered to counsel for Carmichael and which he has a right to exercise, cannot do away with the necessity of inspection by the Examiner who is to pass upon this case in the Patent Office. He further claims that it is material that the Examiner should see the manner in which this memorandum-book, so called, has been kept; and the uniformity of the handwriting of the different entries which appear upon its pages; and also the irregularity of dates under which entries are made, to enable the Examiner to judge of the value and genuineness of the entries.*]

[*Counsel for Bodge, in view of the objections made by Carmi-*

chael's counsel, has, by special request, obtained deponent's consent to permit the memorandum book to be introduced as an exhibit ; and in view of that withdraws his last interrogatory, and introduces the entry on said book contained at the bottom of the page upon which the calendars for January and February, 1882, are printed.]

[Said book is introduced and marked: "Bodge Exhibit, Memorandum-Book of Nellie E. Bodge,—A. H. D., Ex'r, June 10, 1886."]

16. In whose handwriting are the enteries contained in this memorandum-book ?

Ans. Mine.

[Direct Examination closed.]

[Now that the memorandum book has been made an exhibit in the case, counsel for Prof. Curmichael does not deem it necessary to cross-examine the witness.]

NELLIE E. BODGE.

JUNE 10, 1886, 3 P. M.

JOSEPH G. BODGE,

Being duly sworn, doth depose and say, in inswer to interrogatories proposed to him by JAMES H. LANGE, ESQ., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation ?

Ans. Joseph G. Bodge ; 50 years old ; Gorham, Me. ; Millwright and Builder.

2. Are you the Joseph G. Bodge, one of the parties to this Interference ?

Ans. I am.

22—P. O.

3. Where did you reside in the year 1881, and what was your occupation at that time?

Ans. I resided in Gorham, and my occupation was a millwright.

4. Previous to that year, had you had any experience in the construction of Pulp Mills?

Ans. I had.

4. What was the nature of such experience, and where was such a mill or mills constructed?

Ans. I did work on several mills, one in South Windham, one at Midde-Jam, in Gorham, one at Brunswick, Me., and one at Benton, Me.

6. During the year 1881, what knowledge, if any, had you relating to machines for forming hollow articles from pulp?

Ans. I saw the Chase machine in February, 1881, in company with Mr. C. A. Brown, of Portland.

7. At what place did you see this machine?

Ans. At Gorham, Me.—Great Falls, Gorham, Me.

8. What was the purpose of this Chase machine; or in other words, for what was it used?

Ans. For making pails from pulp.

9. Will you please describe briefly the main parts, or features of that machine, as it was at the time you saw it?

Ans. There was a cylinder and former inside of the cylinder, the shape of the inside of the pail—I made a mistake there—the shape of the *outside* of the pail, I should have said. Our pulp was got into the cylinder and suction applied, also a rubber bag was used to put into the pulp, to shape the inside of the pail and take out a part of the water.

10. Please state how the rubber bag took out part of the water, as referred to in your last answer.

Ans. The way I have always remembered it, it had a fine gauze in the bottom and a valve top of that. This was introduced with a handle into the pulp. When it was forced down,

the water came up into the bag ; when it was taken up the valve closed and left the pulp inside of the former in the shape of a pail.

11. What next, if anything, was done in the formation of the pail, after the rubber bag had been removed as you stated ?

Ans. I don't think there was anything, with the exception of taking it out with an adjustable former, covered with wire gauze.

12. After the pail had been formed in the machine, and removed therefrom, as you have stated, was anything further done to it ? And if so, what was the next step ?

Ans. It was taken from that former, and put on to racks to dry, as I remember.

13. Please state when you entered the employ of the Fibre Ware Company, at Waterville, Me.

Ans. March 1, 1882.

14. Between the time, when you saw the Chase machine at Great Falls, Me., in February, 1881, and the commencement of your employment at the Fibre Ware Company in Waterville, did you again see a Chase machine ?

Ans. I think in September, 1881.

15. When you saw the Chase machine in September, 1881, was a pail formed in the former, and with the aid of a rubber bag, having a valve in its bottom, in the same way as when you saw the machine in February, 1881 ?

Ans. I did not see a pail formed in September, if I recollect right, but saw one after it was formed by Mr. William Chase.

16. Was the machine different in construction in September, 1881, from that of February, 1881 ?

Ans. I don't think it was much.

17. Did the process for forming the pail, and all the steps incident thereto, up to the time when the pail was put on the shelf to dry, differ ?

[*Objected to—as it already appears by the witness' testimony*

that he did not witness the process of forming a pail at his second visit, September, 1881.]

Ans. I don't think it did, very materially.

18. At any of the times when you were at Great Falls and saw the Chase machine, were presses of any kind there?

[Objected to—leading.]

Ans. There was.

19. What were they used for?

Ans. Pressing pails, after being formed.

20. Please describe briefly how the pails were pressed after they were formed.

[Objected to—as the method of forming pails by the Chase machine at the only times at which this witness saw the process, as appears by his testimony, has been fully described; and it does not appear when it was that the presses, now added to his previous testimony, were seen by him, or that he witnessed their operation.]

Ans. I did not see a pail pressed; but can describe the machine by which it was done.

21. Please describe the machine.

Ans. It was a machine with a heavy iron casting at the top, with four rods through that connecting with a bed-plate at the bottom; another heavy casting with the form of the outside of the pail in this casting. This casting was raised and lowered by a jack, so called, by hydraulic pressure. The pail was put in to this iron mould, raised up by hydraulic pressure to the upper casting, and locked by castings that revolved on these four rods. There was a rubber bag in the upper casting by which hydraulic pressure was used to press the pail on the inside.

22. Can you state when you first knew of this press or machine, as being at the mill at Great Falls?

Ans. It was in 1881—spring and summer.

23. Will you now please describe briefly, if you can, the

construction of the former that you saw in the Chase machine, in 1881 ?

Ans. The outside form of the casting was cast in ribs—openings. There was an inside former, with a brass ring at the top. That had gauze fitted to, I think, perforated brass in the shape of the outside of a water pail.

24. Do you know whether Mr. Chase took out Letters Patent in the United States, for a pail machine, substantially such as you have described and which you saw at Great Falls ?

[Objected to—as a matter to be shown by the record, and not by the testimony of this witness.]

Ans. I have heard that he did; but never examined his claims.

[Counsel for Carmichael moves to strike out the last answer.]

25. I call your attention to a printed copy of U. S. Letters Patent granted to W. L. Chase, for a Method of and Apparatus for Forming Articles from Pulp, dated April 12, 1881, and numbered 240,091, and ask you whether said patent illustrates in the drawings thereof, substantially the ribbed former with inside gauze former, to which you have alluded in your previous examination ?

[Objected to—as the question introduces a description not embodied in the witness' testimony by the use of the word "inside," and as to the character of the paper with which comparison is asked to be made.]

Ans. I see on this cut what represents the ribbed former.

[Counsel for Mr. Bodge desires to note on the record that he shall use at the hearing in the case, a Patent Office copy of the Chase Patent, dated April 12, 1881, and numbered 240,091.]

[Counsel for Carmichael requests that the paper referred to by the witness and embodied in his answer by comparison, shall make a part of the case, and be marked by the Examiner the same as any other exhibit shown to a witness; and if not done, that testimony relating to it shall form no part of this record.]

26. Prior to the commencement of your employment with the Fibre Ware Company, had you or not conversed with Mr. Chase regarding his machine for forming pails from pulp, which you saw at Great Falls?

Ans. I had frequently.

27. In such conversations, did he or not talk freely with you regarding said machine and the method of forming pails which he employed?

[*Objected to—leading.*]

Ans. I think he did.

28. Had you, prior to said employment at the Fibre Ware Company, other sources of information regarding the construction and operation of the Chase machine?

Ans. I had.

29. Will you please state when you first gave your time and attention to machines for forming pails from pulp.

Ans. I think it was in April or May, 1882, if I understand the question right.

30. Did you construct a model or machine embodying any ideas of your own regarding the formation of pails from pulp?

Ans. I did.

31. Please describe, briefly, the general construction of such model or machine?

Ans. I had a small machine made—a model with a cylinder and former inside—made of tin—wire gauze put over the former. I think I had a plunger fitted into the cylinder to press down over the former to form the pail.

[Adjourned to June 11, 1886, 9:30 A. M.]

JUNE 11, 1886, 9:30.

32. Will you please state whether or not you made pails on this machine?

Ans. I did.

33. Describe, briefly, the formation of a pail on said machine.

Ans. The pulp was put into the cylinder, then we applied suction underneath to draw the water from the pulp, forced the plunger down at the same time to form the pail.

34. When was this machine made?

Ans. Some time in April, or the 1st of May, 1882.

35. At that time, and previously thereto, what was the general nature of your employment or your duties, at the Fibre Ware Company?

Ans. I was Superintendent of the mills.

36. Where had you been employed previous to your employment at the Fibre Ware Company?

Ans. The last employment, previous to my employment at the Fibre Ware Company, was at Wendall, Mass.

37. About how long were you there employed, and for what were you employed?

Ans. I was there some 3 or 4 weeks; employed to put in a pen-stock, wheels, into a paper mill, at that place.

38. Where were you employed previous to your employment at Wendall?

Ans. At Great Falls, Gorham, Me.

39. What doing?

Ans. I was employed there to superintend the construction; putting in a pen-stock, water-wheels, and other machinery of the mills now there. The mills and machinery were to be used for the purpose of making pails from pulp.

40. About when were you employed at Great Falls doing the work indicated in your last answer?

Ans. I was employed in Benton, Me., to superintend the building of a large pulp mill. I think February, 1881. I received a letter from Mr. C. A. Brown, of Portland; that he had taken hold of the pail mill at Great Falls, Gorham, Me., and

wanted me to come down and put on an addition on to that mill at Gorham Great Falls. I came down, saw him at his office on Exchange Street, and we went out there to look the mills over, and see what was the best thing to be done, in order to give them more room.

41. At that time, what was the name of the mills at Great Falls, Me., to which you have referred?

Ans. I think it was the Presumpscot Pulp Ware Company Mills.

42. While you were there employed in putting in a penstock, &c., as you have stated, what machines for making pails from pulp, to which you have referred, were put into said mills?

Ans. I can't state how many; but Wm. L. Chase put in some machines for forming pails, by his process.

43 Under whose superintendence, or direction, were the shafting, belting, etc., erected in said mills?

Ans. I had some of the shafting put in—I am not able to state how much.

44. Had you anything to do with putting up the shafting and belting, and other mechanical work connected with or to be employed in connection with the Chase machines for making pails in said mills?

Ans. The machines for making pails were set up by—or under the direction of Wm. L. Chase. The main shafting, I think, and pulleys, were put up by men under my superintendence.

45. Was it during this, your employment at the Presumpscot Fibre Ware Company's Mills at Great Falls, that you were brought in contact with Wm. L. Chase, and had conversations with him concerning his machines performing pails?

[*Objected to—leading.*]

Ans. It was.

46. At the commencement of your employment with the

Fibre Ware Company, on or about March 1, 1882, as you have stated, what articles made from pulp were being manufactured by said company?

Ans. Principally wash basins.

47. Prior to the construction of your tin pail machine, referred to in your previous testimony, and the making of pails thereon. had any machine, or machines, been constructed or used in the Fibre Ware Company's mills for making pails?

Ans. None that I ever saw or heard of.

48. What was the size or condition of the pails which you made on this tin machine, at or about the time of its construction, in April or 1st of May, 1882?

Ans. I should judge they would hold about a quart and a half. The condition was similar to ware formed on the Chase machine.

49. What has become of this tin pail machine?

Ans. It was destroyed by the fire, I think.

50. What fire do you refer to?

Ans. When the Fibre Ware Company's mills were burned in the spring of 1884.

51. Do you know Joseph W. Libby, now of Old Orchard, Me.?

Ans. I do.

52. Do you know where he was employed in the month of May, 1882, and a month or two previously thereto?

Ans. He was employed by me to work for the Fibre Ware Company, in Waterville, Maine.

53. Do you know when that employment ceased, and if so give the date.

Ans. On the last day of May, 1882.

54. In the month of May, 1882, where did you reside?

Ans. I boarded with Mrs. Pinkham, in Waterville, Maine.

55. Do you also know where Mr. Joseph W. Libby lived at that time?

Ans. He boarded at the same place.

56. Will you please state whether or not, prior to the termination of Mr. Libby's employment at the Fibre Ware Company, on May 31, 1882, he worked at said company, under your personal direction?

Ans. He did.

57. Please state whether or not you conversed with him regarding your matters pertaining to machines for making pails from pulp?

Ans. I did, very frequently.

58. After his leaving the employ of the Fibre Ware Company, do you know whether Mr. Libby remained at Waterville?

Ans. I think he remained one day, and worked for Mrs. Pinkham.

59. Where did he then go, if you know?

Ans. He went to his home in Biddeford, Me.

60. Prior to the time when Mr. Libby left Waterville, as you have stated, did you disclose to him anything concerning or pertaining to any invention of yours in machines for making pails?

Ans. I did.

61. Please state fully what you disclosed to him regarding any invention of yours of the kind referred to.

[*Objected to—as calling for disclosure in conflict with the preliminary statement of the witness filed in these Interference proceedings.*]

Ans. I disclosed to him all the ideas that I could think of. Knowing him to be an honorable, truthful and upright man, I was not afraid to disclose any idea which came into my mind.

61. Will you now please state what ideas of yours you disclosed to him?

Ans. I disclosed to him the ideas that I had in regard to the imperfect formation of the basins, then being manufactured

at the mills of the Fibre Ware Company, at Waterville, Me. On very careful study and attention, I formed an idea that the imperfect formation of the basins were caused by not getting a right angled pressure, at all points, at the same time in which it was being formed. I turned my attention to devise some way to bring about that result. Having had experience in pulp manufacture, knowing considerable of the nature of its working, I could not think of anything that a right angled pressure at all points could be obtained, in pressing liquid pulp, other than using rubber with hydraulic pressure. I disclosed my ideas to Mr. J. W. Libby, in the month of May, 1882,—at quite a number of times.

63. In these conversations, or disclosures on your part to Mr. Libby, was any reference made to the Chase machine? and if yea, state what was said in relation thereto.

Ans. I talked with Mr. Libby very often about the Chase machine; described to him, as nearly as possible, what they were then doing at their mills, at Great Falls, Gorham, Me. I said to him, that they were forming pails by the use of a suction pump and other devices. They took them from the process of forming, and as soon as they could be removed from the first former, they were placed in a die or mould, and a rubber bag was used with hydraulic pressure to press the pail on the inside. I said to him that I thought that the idea was wrong, from the fact that it rolled the fibre down the sides, near the bottom, and broke a great many of them. I told him that my idea was to form from the *outside* with a rubber bag, and by hydraulic pressure, while the pulp was about the consistency then being used in the formation of basins, then being manufactured at the Fibre Ware Company's mill, at Waterville, Me.

64. Please state whether or not you disclosed to Mr. Libby the means by which your ideas could be carried into effect, or how you intended to carry said ideas into effect.

[*Objected to—as leading; and specially objectionable in this*

case where the questions are addressed to a witness who is a party to this Interference. Counsel for Carmichael requests that the examination shall be so conducted as to call for what was said, and not by an examination in piece-meal by the use of leading questions.]

Ans. I don't remember that I disclosed any ideas of that nature.

65. Please state whether or not Mr. Joseph W. Libby was present, at any time when you made a pail or pails on the tin machine, to which you have referred.

Ans. I think he was.

66. State what you next did, after the completion of this tin pail machine.

Ans. I suppose you mean in the line of experiments on pails.

67. I do.

Ans. I commenced on an experimental machine, partly of wood and partly of iron.

68. State, if you can, when said machine was begun and completed.

Ans. It was begun in the early part of June, 1882, and completed in the middle or latter part of the same month.

69. Will you please describe the construction of said machine, as completed in the latter part of June, 1882?

Ans. It was composed of a base turned of wood, cylinder turned out in stave form, of wood. The former shaped the inside of the pail somewhat—put up in stave form. This former was hooked with small round iron, I judge about $\frac{1}{4}$ inch in diameter—I haven't examined it lately. They were driven on to the former from a $\frac{1}{4}$ to $\frac{3}{8}$ of an inch apart. Between these were holes bored through the wood for drainage. This former was bolted on to the bed first mentioned. In the bed was turned a groove. I should judge, from not examining it since it was last used, to be about $1\frac{1}{2}$ inches in diameter.

There was an iron casting made in circular form, in segments, I think, to form a circle, which had a groove in it corresponding with the one in the bed. These put together made a circle or opening, about $1\frac{1}{2}$ inches in diameter. In the iron casting there were small holes drilled, connecting with this opening. The cylinder was fitted to the top of this casting. There was a hole in the bottom of this bed-plate where there was a pipe screwed in, leading to a suction-pump. There was another hole through the bed-plate into the opening before described; the pipe screwed in, connecting with a small hand-pump. It had a jacket made of galvanized iron, perforated with small holes. Outside of that was a wire gauze put on—a jacket, of No. 50 mesh.

70. State what had a jacket referred to in your last answer by the word *it*?

Ans. The former that forms the inside of the pail.

71. Where is that machine?

Ans. I see it before me in this office.

72. Will you point it out to the Examiner, so that it can be properly referred to?

Ans. I will. It is Bodge Exhibit No. 2. Part [A] is the cylinder; part [B] is the bed-plate; part [C] is a hoop shrunk on to the bed-plate to keep it from splitting; part [D] is the galvanized iron jacket; part [E] is the iron casting, in two segments; part [D'] is the staved former and iron rings.

73. Will you now please describe the purpose and function of the segmental iron casting, [E] [E] as applied to the machine at the time of its completion in June, 1882?

Ans. That was put there for the purpose of trying some experiments and ideas which I wanted to test, whereby the stock could be put in between the former, and could not be put in from the top of the cylinder, to form a pail.

74. To what do you refer by the word "stock," in your last answer?

Ans. I mean the fibre made from the wood, and a certain amount of water, which we call stock, for articles of hollow ware.

75. Will you please state how the stock was to be manipulated after being put into the cylinder through the segmental ring, or part marked [E] [E].

Ans. One of my ideas was, at the time, to try an experiment, when I could get the things to do with, that I had disclosed in the month of May to Mr. Joseph W. Libby.

76. What "things" did you require "to do with," as indicated in your last answer?

Ans. I required a thin rubber bag—that was what I wanted.

77. For what purpose did you require a thin rubber bag?

Ans. I wanted to test my ideas, partly—so far as I could, with the machine I had—about getting right-angled pressure on the pulp which formed the side of the pail.

78. How did you intend to apply and use the rubber bag which you required to conduct your experiments with that machine?

Ans. By confining it between the iron casting and the bottom of the cylinder.

79. Then describe fully how the pulp or stock was to be introduced into the cylinder, with relation to the former and this rubber bag which you required?

[*Objected to—as calling for a matter previously answered, and not descriptive of the machine as completed in the latter part of June, 1882, but with reference to future intentions, so called, of the witness.*]

Ans. The stock was to be introduced through a pipe, leading to the opening that is partly in the bed-plate and partly in the casting, marked [E] [E], in two segments. That was forced in by a small hand-pump, and came up through the small holes in the iron casting between the former and rubber.

80. After the machine, Bodge Exhibit No. 2, was finished

in the latter part of June, 1882, as you have described, did you apply a rubber bag to it ?

[*Objected to—leading.*]

Ans. I did not, in the month of June.

81. State whether or not you applied a rubber bag to said machine, at any time ?

Ans. I did not.

82. State whether or not you, at any time, applied rubber to said machine ?

[*Same objection.*]

Ans. I did.

83. When first, and what form ?

Ans. I think July 11th, along in the evening, after 5 o'clock in the afternoon. I put on a piece of dental rubber.

84. July 11th of what year ?

Ans. 1882. ~

85. State fully how this piece of dental rubber was applied to your machine, Exhibit No. 2, on the evening of July 11, 1882.

Ans. It was put on between the bottom of the cylinder marked [A], and the iron casting marked [E] [E], in two segments, and the cylinder clamped down to make a tight joint.

86. Where was the machine, Exhibit No. 2, when you applied this dental rubber to it, at the time you state ?

Ans. It was about the middle of the mill, lengthwise, a little to the left of the center going in at the front door—if I remember right—near the machine for forming the basins.

[Adjourned to 2.30 P. M., same day.]

2.30 P. M.

87. Where did you get the dental rubber which you applied to your machine, Exhibit No. 2, on the afternoon and evening of July 11, 1882 ?

Ans. I got it at Mr. Jones', dentist, on Main St., Waterville, Maine.

88. How much did you pay for it?

Ans. One dollar (\$1).

89. If your machine Exhibit No. 2, with the former and segmental stock ring, was finished in the latter part of June 1882, why, if for any reason, did you not apply the rubber to it earlier than July 11th following?

Ans. Along the last part of June, and during the month of July, 1882, there was a time long to be remembered by me. The circumstances under which I had to contend makes it an eventful month. I had an only son that was sick unto death at that time. I had undertaken to bring out a new industry where there had been considerable money expended, and the company had not much money, as I understood; and I believed that I had conceived an invention that would make a success of their business. I used my utmost endeavors to bring out a successful result. The circumstance of my son's sickness occupied a good deal of my time, and the condition of the company at that time was such that I did not call upon them for anything except what I could get close at hand. I did not know at that time where I could get a rubber bag without additional expense; consequently I did not make any effort at that time.

90. When did you purchase the dental rubber which you applied to your machine on the afternoon or evening of July 11, 1882?

Ans. I purchased it on July 11th, as I remember, in the afternoon.

91. Why, if for any reason, did you not purchase before July 11th, a piece of dental rubber to be applied to your machine?

Ans. I did not know that the dentist kept as large a piece as would go on my machine.

92. Before your purchase of the piece of dental rubber from the dentist at Waterville, on July 11, 1882, had you ascertained

that a piece of dental rubber of sufficient size to go on your machine might be obtained from dentists.

Ans. I don't remember of having any such knowledge, and I didn't suppose that dental rubber would be sufficiently strong to hold the amount of liquid pulp required to make a pail. I had thought something about it in noticing toy-balloons, which I suppose are made of the same material.

93. Please state whether or not you obtained any information on July 11, 1882, that dental rubber of sufficient size for your machine might be obtained from dentists.

[*Objected to—as previously asked and answered in Int. 92, and answer.*]

Ans. I did.

94. From whom, if any one?

Ans. Prof. Henry Carmichael, of Brunswick, Me., a party to this Interference.

95. Where were you when you obtained this information?

Ans. I was sitting on his piazza in Brunswick, Me.

96. Upon what day did you arrive at Brunswick, on the visit during which you obtained this information?

Ans. On Monday, July 10, in the afternoon, I think.

97. When did you leave Brunswick after you had obtained this information, and where did you go?

Ans. I left Brunswick about 2:30 P. M., for Waterville.

98. What was the purpose or occasion of this visit to Brunswick?

Ans. In relation to treatment for ware, and plans for building a Treatment-House at Waterville.

99. Where did your stop over the night of July 10, 1882, after your arrival at Brunswick?

Ans. At my youngest brother's—Andrew T. Bodge.

100. Relate fully what you did at Brunswick in the forenoon of July 11, 1882.

Ans. I think I went to Henry Carmichael's house, the first 24—P. O.

thing I did. I had previously been there; so I supposed he knew my business. We talked about the Treatment-House, the manner in which it should be constructed, and about the ovens, how the heat should be circulated into them, and other details connected with the same. If I remember right, we went with his team to the Treating-House—looked around there. He showed me what they were doing, and his method of sand-papery—his machine that he had there; also looked at the kettles he used, the method of hanging the basins in the ovens, and the different parts of the process which they had to go through. If I remember right, we went from there to Topsham, Me. I never was at that place before, nor never have been since, till about three weeks ago. I described the road to my brother, and where we stopped and turned round at that at that time.

[*Counsel objects to conversation with his brother three weeks ago.*]

He took me in his team—took me over there by the same road. I found that it was as I described to my brother—a watering trough near the Railroad Bridge, where we turned round. I came back—or we did. I stopped at the mill—the Androscoggin Pulp Company's mill, in Brunswick, Me.—and went to dinner with my brother, at his boarding place. Some time after dinner, as I remember, my brother drove me up to Carmichael's house. I remained there until it was time to go to the train which leaves Brunswick about half-past 2 P. M. for Waterville.

101. Did you see or meet any person at the Treatment House?

Ans. I think I remember of seeing Mr. Peterson there.

102. Any one else, if you know?

Ans. I don't remember at that time of seeing any one else. There was others there.

103. What was the object or purpose of the drive to Topsham with Prof. Carmichael, if you know?

Ans. I don't know.

104. Give the name of your brother with whom you took dinner, and who drove with you to Prof. Carmichael's house, after dinner.

Ans. William A. Bodge, Superintendent of the Androscoggin Pulp Company's Mill, Brunswick, Maine.

105. State whether or not he was then married, if you know. And if yea, whether you met his wife on that day.

Ans. He was married; and I met his wife on that day, July 11, 1882.

106. Give her name.

Ans. Nellie E. Bodge.

107. State whether or not she dined with your brother and yourself, at your brother's boarding place, on that day.

Ans. She did not. The tables were full, and she gave up her place to me at the table.

108. State whether or not you paid for your dinner on that day.

Ans. I did not.

109. Why?

Ans. I was invited there by my brother, and I supposed he or his wife would pay for my dinner.

110. State whether or not, during the year 1882, you dined with your brother and wife—or your brother—at that boarding-place, at any other time.

Ans. I did not, if I remember right.

111. Relate what conversation took place between Prof. Carmichael and yourself, during your drive to and from Topsham on July 11, 1882.

Ans. I don't remember anything more than general conversation.

112. Relate what conversation took place between Prof.

Carmichael and yourself, at his house, on the afternoon of July 11, 1882, after your brother had driven you there, and before you left on the 2:30 train, or thereabouts, for Waterville. State also how it was brought about, and what, if anything, was done.

Ans. I think the most of our conversation was in relation to the building and operation of a new Treatment-House, then talked of being built at Waterville, Maine. After we had got through with that, I had a little time to spare; we sat down out on his piazza. I remember distinctly about his making a remark that during his vacation, which then, as I understood, was about to be, that he was going to do some experimenting with pulp, in forming hollow ware. I don't remember what remark I made, if any; but I do remember distinctly what he said to me about the machine that he had in his mind. He said that he thought that pails could be made by a centrifugal machine which would lay the fibre and form the ware perfectly. I made the remark that he would have to form from the inside. He said that that was the way to do it. I told him that every one that I had talked with that did not know anything about the forming of ware, had that same idea of forming from the inside. I thought for a moment that he was considerably nettled, and I went on to explain what I meant, telling him about the Chase process and the ware they were forming from the inside, and their trouble that they could not seem to get over; and then I told him my idea was that pails could not be formed and pressed sufficiently firm any other way than from the outside.

He asked me if I had tried my method. I told him I had, and explained to him what I had tried, and told him that the only way to form a perpendicular side was to get a right-angled pressure on the pulp as it was forming. I told him that I knew that from my experience, and what I had learned in the formation of basins. I also told him that a rubber bag, in connection with hydraulic pressure, was the only thing that I could

think of that would do it. He asked me if I had tried it. I told him that I had not, because I did not have a rubber bag. He said that it could be tried with dental rubber. I told him that I thought that it would not expand enough to hold a sufficient amount of liquid pulp. He said that he thought a piece of that size would expand enough to try the experiment. I asked him where I could get a piece large enough. He said that it could be got at the dentist's on the street in Brunswick, Me. I took out my watch, and found that I did not have time to go there, and reach the train in season to go to Waterville, at half past 2 P. M. He said that he would get me a piece and send it to me by mail the next day. I told him that if he would, I would pay for it, and be obliged to him.

On the train, going to Waterville, I thought of this thing. I thought—it being about Commencement Time—that the Professor might not remember it. I thought that I would try the dentist's in Waterville. I left the train on its arrival in Waterville, went down Main street, stopped at a dentist's by the name of Fales, I think. He had a piece about eight inches square, as I remember it now. It was not large enough. I went from there to Jones'—another dentist—on the same street; told him what I wanted. He went to a small drawer, opened it and took out a half a yard of thin dental rubber. I told him my doubts about its being strong enough; but he said it was very elastic, from the fact that he had not had it but a very short time. He said he paid \$1 for it and I might have it for the same, as he could get plenty of it from runners that were along there every few days. I told him that if it wasn't too much trouble, to get me some more and a little thicker, if he could.

[*Counsel for Prof. Carmichael objects, that the witness is not making his answer responsive to the question, which was as to what conversation took place between Prof. Carmichael and himself on the afternoon of July 11, 1882; and if the matters happening subsequently to that time, are to be introduced, it should be so done by proper inquires.*]

I took that rubber, half a yard. Started directly for the mill. In going to the mill, I passed my house where I then lived, on the corner of Mill and Pleasant Sts., Waterville, Me. My wife was watching for me, as I had been gone for considerable time, to see my son at Gorham, Me. When she saw me, she came out to the street to meet me. After inquiring about my son, she asked me—

[*Counsel for Prof. Carmichael objects to conversation between the witness and his wife ; and to the manner of examination, which allows a witness to go on and relate matters which have not been inquired about, and whose admissibility he has no opportunity to object to, not being given in response to any inquiry ; and he requests the Magistrate, if the matters embodied in the 112th interrogatory have been answered, to require the further examination of the witness to progress in an orderly and regular manner, so as to save his rights*]

[*Counsel for J. G. Bodge state that by the last interrogatory, it was sought merely to get the witness to state what was said and done between Prof. Carmichael and the witness on the afternoon of July 11, 1882, at the former's house ; and the witness is asked not to continue any statements that he intended to make, following the preceding matter, to enable counsel to inquire by questions as to events occurring after he left Prof. Carmichael.*

Counsel for Bodge wish to state further, on their own account, that the witness continued with his answer, and did not give counsel opportunity to question him as to events occurring after the conversation referred to, without interrupting the witness in the answer he was giving ; and they refrained from so interrupting the witness, on that account.]

[Adjourned to June 12, 1886, 9 A. M.]

JUNE 12, 1886, 9:30 A. M.

113. Confining your answer to what occurred between Prof. Carmichael and yourself, on the afternoon of July 11,

1882, before you took the 2:30 train for Waterville, will you please state what was said and done, if anything, in relation to any method that you had tried before said conversation, as referred to in your answer to Int. 112?

Ans. I have previously stated what I remember distinctly was said, and what was done, while sitting on the piazza. I described some things that I had been doing in the way of experiment, and described this machine, Exhibit No. 2, here before me. As I was describing of it, I took out my pencil, and felt for a piece of paper in my pocket, to illustrate it. The Professor handed me an envelope, common size, as I remember—looked clean and light colored. I marked on that envelope, with my common lead pencil which I always carry, a description of this Exhibit No. 2.

114. What color was the envelope that the Professor handed you, if you remember?

Ans. As I remember it, it was a common white envelope.

115. What size was it that you referred to in your last answer but one, as "common size"?

Ans. I don't know the exact bigness of it—a common letter envelope.

116. I hand you an envelope with certain marks or figures upon it. Will you please look at same, and state whether said envelope was used by you to illustrate your machine, Exhibit No. 2, at the time of the conversation with Prof. Carmichael on the afternoon of July 11, 1882.

[*Carmichael's Exhibit A, handed to witness by the Examiner.*]

Ans. I have examined the envelope and I positively state that I never saw it before in my life, until I saw it in this building, in the office of Messrs. Symonds & Libby.

117. State about how long ago that was when you saw said envelope in the office of Symonds & Libby, or upon what occasion it was.

Ans. It was on the occasion of the examination of Prof. Carmichael, some few weeks ago.

118. State whether or not in the month of July, 1882, you ever carried or used a pencil marking red at one end and blue at the other.

Ans. I don't remember of ever carrying such a pencil at any time in my life.

119. State whether at your interview with Prof. Carmichael, you had a red and blue pencil, or saw such a pencil there.

Ans. I did not.

120. State whether at any interview with Prof. Carmichael, at his house in the year 1882, if you had more than the one interview referred to previously, you used, carried or saw such a pencil at his place in Brunswick.

Ans. I did not.

121. If, in your conversation with Prof. Carmichael at any time during the 11th day of July, 1882, you referred to the use or intended use of a plunger in connection with your machine Exhibit No. 2, which machine you described to him, please state what you said to him as to the construction and use of said plunger.

Ans. I don't remember whether I described the plunger to him or not at that time.

122. If before this interview of July 11, 1882, you had constructed or used a plunger in connection with your machine Exhibit No. 2, please describe such plunger.

Ans. As I remember it, the first use of that machine was used with a suction pump. The stock was put into the cylinder, suction applied, and it formed the pulp on the former in the shape of a pail. I think afterwards I had a plunger made of soft wood—pine—to go into the cylinder. This plunger, I think, was hooped. I do not recollect how long after we first used that machine that this plunger was made.

123. Please state if you can, whether or not this plunger

which you have described, was constructed or used before or after your interview with Prof. Carmichael, on July 11, 1882?

Ans. I do not remember. My time was so taken up about that time, in getting to Gorham as often as possible to see my son, and trying quite a number of different experiments in making the business that we already had show as well as I possibly could to the company, I might not remember distinctly what dates, nor how these different experiments were tried.

124. You have stated that on the morning of July 11th, you went to Prof. Carmichael's house and thence to the Treating-House. Will you please state what conversation you had with him at his house in the morning, before going to the Treating-House, and where it took place?

Ans. The conversation that I had with Prof. Carmichael was in relation to a new building to be built in Waterville, Maine; also about the process of treatment of hollow ware that we was then making at Waterville. The interview was in a room leading from the piazza. I think we crossed a hall going from the piazza to the room. In the room I remember there was a table, I should judge near the center; I suppose that was his office or study.

125. From what direction or place had you come upon your arrival in Brunswick, on the afternoon of July 10, 1882?

Ans. I left my son's home at Gorham, Me., that day, Monday, for Brunswick.

126. Will you please state whether or not you had any other interview, at Brunswick, with Prof. Carmichael in 1882, during which you made any sketches relating to, or illustrating your invention in pail machines, or your particular machine, Exhibit No. 2?

Ans. I had one other interview with him. I do not remember of referring to any machine or machines.

127. When did this interview last mentioned take place?

Ans. I have been searching diligently for information on
25—P. O.

that point to substantiate my recollection, and find that it occurred on the 7th of July, 1882, in the afternoon.

128. At what place in Brunswick did this interview take place between Prof. Carmichael and yourself, on the afternoon of July 7, 1882?

Ans. At his home in Brunswick, Me., and at the Treatment-House, and in a hall close by the Treatment-House, that Prof. Carmichael said that he owned.

129. From where did you come, and when did you arrive in Brunswick on July 7, 1882?

Ans. I came from Waterville, Me. Arrived in Brunswick at about half-past eleven A. M.

130. Where did you take dinner?

Ans. At the restaurant in the depot, in Brunswick.

131. Where did you go from there?

Ans. I went to Prof. Carmichael's house.

132. On that occasion did you know the location of Prof. Carmichael's house in Brunswick?

Ans. I did not.

133. How did you ascertain where he lived?

Ans. When the train arrived in Brunswick, I got out on the platform; I saw my youngest brother, Andrew T. Bodge; he was coming on that train to Portland. I asked him if he could tell me where Prof. Carmichael lived; he said he could not tell me the house, but gave me the direction and told me that I could inquire at stores near by and they would tell me.

134. Why, if for any reason, did you go to Brunswick, Me., on the 7th day of July, 1882?

Ans. I went there to meet Charles D. Brown, of Portland.

135. At whose request, if any one's, and how was the request made?

Ans. I don't remember how the request was made, but I was to meet him at Prof. Carmichael's on the arrival of the 2 P. M. train from Portland.

136. Upon reaching Prof. Carmichael's house did you see the Professor?

Ans. I did.

137. Relate what, if anything, occurred, and where it occurred at his house on the afternoon of July 7, 1882?

Ans. I remember of an occurrence at his house, but I will not fix it on that day, but I think it was that day, of being introduced to Mrs. Cole, Prof. Carmichael's wife's mother. I remember of another circumstance, of Mr. C. D. Brown, of Portland, came there by appointment to meet me.

138. Whereabouts at the Professor's house were you and the Professor on the afternoon of July 7, 1882, when Mr. C. D. Brown came there to meet you?

Ans. I think we were on the piazza, but the introduction to Mrs. Cole was in the room looking out on the piazza, sitting-room, I think.

139. Where did you go from Prof. Carmichael's house, and who, if any one, went with you?

Ans. We went from his house to the Treatment-House, the Professor, myself, and Chas. D. Brown. There met Mr. Chas. B. Gardner, of Boston, Mass., and Hugh J. Chisholm, of Portland, Me.

140. Where did you go from the Treatment-House, and who, if any one, went with you?

Ans. We went into the Grange Hall; we sat there quite a little while to get cooled off, as it was a very warm day, and warm in the Treatment-House. I said to Mr. Brown and Chisholm that I thought that I ought to go to Gorham to see my son; they told me to go, and call on the Professor when I came back, on my way back—and take plenty of time to get everything that I could in the way of knowledge about the Treatment-House that was to be built in Waterville, Me., and the way in which the ware was to be treated, and all the information that I could get on that subject.

141. Did you go to Gorham to see your son upon leaving Brunswick? and if yea, state when you left Brunswick, and how long you remained at Gorham, and where you went upon leaving Gorham.

Ans. I left Brunswick on what is known as John Jewett's train in the afternoon, and arrived in S. Windham about 6 o'clock P. M. On the train going from Brunswick, Mr. Chas. B. Gardner, of Boston, accompanied me, and tried to pass me over the road free on his pass, which he had. Mr. Jewett, the conductor, did not see fit to do that, and I paid my fare. After arriving at my son's, in Gorham, I had some business at Great Falls, Gorham, Me. I hired a team of B. F. Bacon, of S. Windham, and went to Great Falls. I did not pay for the team when I returned, and he charged it to me. I have a bill of it in my pocket.

142. Please answer the latter part of the previous question as to how long you remained in Gorham, and where you went upon leaving Gorham?

Ans. I remained in Gorham until noon, July 10, 1882, which was Monday. I left there for Brunswick, Me.

143. Will you now please state how far Mr. Gardner, of Boston, accompanied you on the train, when you left Brunswick in the afternoon of July 7, 1882?

Ans. Mr. Gardner accompanied me as far as the Boston & Maine transfer station, in Portland, Me.

144. Were you at Prof. Carmichael's house at any time in July, 1882, other than on the 7th and 11th days of said month, to which you have previously testified?

Ans. I do not remember.

145. State whether or not you were in Brunswick, Me., at any time in July, 1882, after the 11th day of said month.

Ans. I think I was.

146. When?

Ans. I think I was there on the 15th day of July, 1882.

147. Why were you there on that day?

Ans. One thing I was there for and did, I met my wife coming from Waterville. I left Gorham that morning; my neighbor, Mr. Howard B. Cloudman, carried me to Gorham Corner to take the Portland & Rochester for Deering, Me.; connected there with the Maine Central going to Brunswick.

148. Please state whether or not at any interview you had with Prof. Carmichael in July, 1882, he described to you, or spoke to you of any invention of his own other than what you have previously testified to.

Ans. He did not.

149. In your previous testimony, you have testified to disclosing your invention to Prof. Carmichael on July 11, 1882; will you please state whether, before that date, you had spoken to others about your invention.

[*Form of the question objected to as not embodying a correct statement of the witness' previous testimony.*]

Ans. I had.

150. You have also testified that you disclosed your ideas concerning your invention to Joseph W. Libby; will you please state to whom other than Prof. Carmichael and Mr. Libby you had spoken regarding your invention, previous to July 11, 1882.

Ans. I disclosed my invention previous to July 11, to my brother, Elbridge S. Bodge, of South Windham; also to my father, Thomas Bodge, of the same place.

151. Please state when, previous to July 11, 1882, you disclosed your invention to Elbridge S. Bodge, your brother.

Ans. On the third day of July, 1882.

152. Where, and under what circumstances, and state fully what you disclosed to him.

Ans. I was at my son's in Gorham, Me., on the first day of July. I was at my father's with my brother, Elbridge S. Bodge, on the second day of July, 1882. I was with my brother again on the third day of July, 1882, on our way to Portland,

Me. We had to cross on our way from the Sebago Wood Board Company's mills what we call the Y, going to the depot at South Windham. I was talking with him about my invention; when we got near the depot on the bridge, we stopped and leaned up against the railing and talked there for some time. I told him what I was doing, and explained to him my ideas about my invention, which I had got into shape in my mind, how to apply the hydraulic pressure, and substantially the working of my machine that I was going to have made at my earliest opportunity. We took the train and came to Portland that day. I talked with him further about it on the train going to Portland. After leaving the train we came up in the city. I went to Mr. Chisholm's office on Exchange Street—Hugh J. Chisholm—my brother was with me. I got a check from Mr. Chisholm for \$20—we went out together. I got it cashed as soon as I could go to the bank. I think I did not fold it, nor put it in my pocket, but carried it in my hand. We went to the fruit store on Exchange Street, just above Middle, on the left hand side going towards the city buildings, opposite the Post Office, Portland. I there bought a box of fruit which I think I paid \$1.80 for. I got my brother to take it back to Gorham to my son. I left Portland for Waterville, I think, that night.

153. In your last answer you say, "I told him what I was doing, and explained to him my ideas about my invention, which I had got into shape in my mind, how to apply the hydraulic pressure, and substantially the working of my machine that I was going to have made at my earliest opportunity." Will you please state fully what you explained to him, how you intended to apply the hydraulic pressure, and the working of your machine that you were going to have made.

Ans. I remember of explaining to him about the iron case and pipes going into it—screwed into it—attached to the pump, and I remember now distinctly a thing that was said at the

time. He asked me how much pressure I thought of putting on; I replied that there would be probably about twenty-five or thirty thousand pounds on the size of the pail. He remarked that I would have to have a very strong case to hold that amount of pressure.

154. Please answer the latter part of the last question as to the working of the machine that you were going to have made.

Ans. I explained to him about the manner of putting in the stock between the rubber bag and the former, through a circular ring which I then already had on a wooden machine, and applying hydraulic pressure through pipes between the iron case and rubber bag, to press the pail while forming against the former inside of the casing.

155. State when you talked with your father, Thomas Bodge, regarding your invention, and where such conversation took place.

Ans. It was on the second day of July, 1882, at his house in S. Windham.

156. State fully what you disclosed to him regarding your invention.

Ans. I talked with him substantially the same as I did with my brother, and I remember very distinctly that I talked so much about it, that my brother's wife, and my two sisters, and one of the husbands of my sisters left the room to get a chance, as I afterwards learned, to talk about something else. I remember distinctly of telling my father at that time, that if I got what I ought to out of it, that I would come home and go a cowing with him, and I would pay for what cows he bought.

[*Counsel for Prof. Carmichael moves that the above answer be stricken out as irrelevant and not responsive.*]

157. Is your father, Thomas Bodge, now living; and if yea, what is his age?

Ans. He is living. He is about 74 years old.

[Adjourned here at 12:45 P. M. to 1:30 P. M. of the same day.]

JUNE 12th, 1:30 P. M.

158. State the condition of health, at the present time, of your father.

Ans. He is suffering considerably with rheumatism and don't go away from home much.

159. What was his business or occupation in 1882?

Ans. He was a farmer at that time. He used to carry on business in the city of Portland, as a Carpenter and Builder.

160. Will you now please relate what, if anything, you did after you left Prof. Carmichael's house in Brunswick, on the afternoon of July 11, 1882, and up to and including the time when you first applied rubber to your machine, Exhibit No. 2, commencing at the point where you obtained the dental rubber from the dentist, Mr. Jones, as previously testified by you?

Ans. I left Mr. Jones' office with half a yard of dental rubber, going directly to the mill. In going to the mill I should pass my house on the corner of Mill and Pleasant Streets, Waterville, Me. My wife was watching for me, and came out to the street to meet me. After inquiring as to my son's health, she asked me why I was detained so long in coming from the train. I told her that I had been round to Dr. Jones' office to get a piece of rubber to put onto my machine. She asked me if I was going to stop to supper, and I told her that I was not, as I wanted to go over and put it onto the machine, and try it as soon as I could. I went directly to the mill, and I do not remember whether I got it on that night and tried the machine or not. The next day, on the 12th of July, 1882, I was applying the rubber to this machine. I think we had some difficulty in fastening of it on to the cylinder, so that we could put it down over the former, and clamp it, and we cut a groove in the bottom of the

cylinder on the outside, and tied a string around to hold the rubber so that the tension in pressing of it over the former down onto the iron ring marked [E] [E], in two segments, would not pull it off from the cylinder marked [A]. I do not remember whether we worked the machine that day or not, but presume we did, as everything was there to work it with. On that day, July 12, 1882, I remember a circumstance which occurred, of first seeing Mr. Lyon, of the firm of Lyon, Bragg & Hubbard. I had some notices posted on the doors "No Admittance." I was at work with this machine, doing something. I looked round and saw a man inside of the door of the office. I immediately left the machine and went to him and asked him if he did not see the notice on the door. He said he did, but he had a curiosity to see what was going on in there. I noticed, and he appeared to me, like more than an ordinary man, and I asked him if he lived in Waterville; he said he lived in West Waterville, and introduced himself to me and told me what his business was. I remarked to him that I thought that he was just the man I wanted to get acquainted with. I had a favorable impression of him, and at that time they were bothering me a good deal at Webber, Haveland & Philbrook's machine shop, in Waterville, Me., about doing my work, for the reason that they were not getting their pay very promptly. I had confidence in the business, and I upheld it for the company all I could. I should not have asked Mr. Lyon to have done work for that company, if I had thought that he would not get his pay. I talked considerable with Mr. Lyon about what I was doing.

161. Relate fully what you said to Mr. Lyon on the 12th day of July, 1882, at the time you met him as stated in your last answer.

Ans. I showed him my machine, Exhibit No. 2, and talked with him considerably about what I was intending to do; showed him round the mill, basin-machines, finishing press, machine that is now before me marked Exhibit No. 2, machines

for sand-papering basins, and our racks for drying up stairs, and told him that I thought we could give him considerable work before a great while. He said he would like to do it for us, and would make the prices as reasonable as we would get elsewhere. I remember that he remarked at that time that he worked himself with his men, and claimed that that was quite an advantage in doing work, or words to that effect.

162. In the beginning of your last answer you said, "I showed him my machine, Exhibit No. 2, and talked with him considerably about what I was intending to do." Will you please relate fully what you said to him, as to what you intended to do?

Ans. I told him that I was going to have an iron machine made to make pails. I described to him, as nearly as I could at that time, about what kind of machine I was going to have, and how I intended to operate it. I described to him, as near as I can recollect, the machine I intended to have made, about the same as I did to my brother on the 3d day of July, on our way to Portland. I told him that I wanted to get at it as soon as I could, and would go over there to his place, and we would mark out some drawings for it.

163. Where was his place of business or his firm's place of business, at that time?

Ans. At West Waterville, Maine, changed now to Oakland, Maine.

164. Will you look at your machine, Exhibit No. 2, and state whether or not the groove which was made in the cylinder or its bottom, to enable the rubber to be secured to said machine, now appears on said cylinder?

Ans. It does.

165. State whether or not the dental rubber was on the machine, Exhibit No. 2, on the 12th day of July, 1882, before Mr. Lyon, of the firm of Lyon, Bragg & Hubbard, left the works at Waterville, where said machine was.

Ans. I think it was.

166. When next did you see Mr. Lyon, and where?

Ans. I saw him soon after the 26th day of July; that was the day that I returned from Gorham to Waterville, after the funeral of my son. I saw him at his place of business at West Waterville, Maine.

167. At that time was any reference made to your contemplated iron machine, and if yea, state what was said or done.

Ans. I went out there on that occasion to get a segment gear made and other parts of the gate rigging which had given out. I don't remember distinctly what other business, if any, we done that day.

168. State when and to whom, if at all, you gave an order for the construction of your contemplated iron machine.

Ans. I gave an order to Mr. Lyon, of W. Waterville, of the firm of Lyon, Bragg & Hubbard, I think about the first of August, 1882.

169. Where was this order given?

Ans. At their machine shop and foundry at W. Waterville, Maine.

170. How soon after you applied the dental rubber to your machine, Exhibit No. 2, was it that you used said machine, if at all, in the formation of pails from liquid pulp?

Ans. If I did not on the 12th, I did not till long toward the last of the month of July, 1882.

171. Assuming, for the purpose of this question, that you did not experiment with your machine on the 12th of July, 1882, why, if for any reason, did you not experiment until toward the last of said month?

Ans. It was my usual custom, after 6 o'clock, to go to the Post Office in Waterville for my mail. I went on the night of the 12th, as usual; received a letter from Gorham, Me., saying that I had better come to Gorham at once. Knowing that Mr.

Chisholm was in the place that afternoon, I went up to the Elmwood Hotel, found him there, and told him that I had received a letter for me to come to Gorham on account of my son. He told me to go by all means. I left there the next morning, and I went to Gorham, telling my wife when I left home that I would write to her so that she could get the letter the next morning, which was Friday, July the 14th. I found my son so low at that time that I did not get time to write. In the evening I got my wife's sister to write the letter. My wife received it on the afternoon, as she afterwards told me.

[*Counsel objects to statements of wife, and moves that the above be stricken out.*]

I told my wife's sister to write to her—

[*Counsel objects to statements to wife's sister.*]

to come to Gorham at once. She took the 9 o'clock train Saturday morning, 15th of July, 1882, for Gorham. I met her on the arrival of that train at Brunswick, Me., about half-past eleven A. M., July 15, 1882. We returned together to Gorham, where I had left that morning. We remained in Gorham until Monday, July 17th; left Gorham at 12:30 P. M. for Waterville, arriving in Waterville about half-past four or five o'clock. The next day, 18th, I was at the mill in Waterville, Me. Do not remember whether I worked my machine, Exhibit No. 2, or not. I received a despatch that day from my brother, Elbridge S. Bodge, in S. Windham, to come to Gorham. I left Waterville on the morning train, about 9 o'clock, and came to Portland; called to see Mr. Chisholm; he told me that there was to be a meeting at the Fibre Ware Company's office, on Exchange St.; would like to have me stay in the afternoon, as there was business of importance that might want some explanation from me. I stopped here and remained at the Falmouth Hotel, at his request, till after the meeting adjourned. I went to Gorham on the 6 o'clock train.

[Adjourned at this hour, 3:10 P. M., at urgent request of counsel]

of Carmichael, who is obliged to be absent on business, and witness will continue his answer on Monday morning, June 14th, at 9:30 A. M.]

JUNE 14, 9.30 A. M.

[*Witness continues his answer.*] I remained at Gorham until the next day, the 20th. I asked if he could think of anything that I could get for him that he could eat. He said he didn't know of anything without he had a piece of water melon. He spoke in connection with that, about it being the first thing that Dr. Tanner took after his long fast. I took the half-past 12 train from S. Windham for Portland, and got a water melon; came up to Chisholm's office, Exchange St.; spent some time with him; got a check from him that afternoon for \$25. It was after banking-hours that I got the check. I put it into my pocket—did not get it cashed that day. I returned to Gorham on the 6 o'clock train, remained with my son until about 11 A. M. He appeared a little better. I wanted to go to Waterville, and I asked him if he was willing I should go and return the next day. This was the 21st day of July, that I am talking about. He seemed a little reluctant to have me leave him, but wanted me to be sure and return the next day. I called in Dr. N. M. Marshall and asked him, after he had talked with my son and we had stepped out to the door, if he thought there would be any change for the worse till the next day. He he said he didn't think that there would. He said he might live for a week or more, as he was appearing that day a little better than the previous day. I left Gorham for Waterville on the 12:30 train, arrived in Waterville about 5 o'clock P. M.; went directly to my house and then to the mill. The next morning, the 22d, my wife came to the mill about 8 o'clock with a despatch from my brother, informing me that my son died at about 11 o'clock the

night before. I got ready, myself and wife, to return to Gorham. On my way to the train, I stopped at the Peoples' Bank, Waterville, Me.; got the check cashed that I had received of Mr. H. J. Chisholm, on the 20th, and myself and wife took the 2 o'clock train that leaves Waterville for Gorham. We arrived at Gorham about half-past 6 P. M., and remained there till the 26th day of July, when we returned to Waterville on that day.

[I want to correct a mistake that I made on my examination, which my attention was called to, in relation to giving the first order for an iron machine. I remembered after my attention was called to it, that Mr. Lyon was at the mill. I had a desk that was on a bench at the front end of the mill—the Fibre Ware Company's Mill at Waterville, Maine—where I kept my papers, draughting tools, &c., and I think that is where I give him the first sketches for an iron machine.]

172. State what document is this now shown to you, and whether or not you can identify the same?

Ans. I identify the check as the one that was given me on the 20th day of July, 1882, by Mr. Chisholm, at his office, Portland, Maine.

[*Said check introduced and marked "Bodge Exhibit No. 13, Chisholm Check of July 20, 1882—A. H. D., Ex'r, June 14, 1886."*]

173. In your experiments with machine, Exhibit No. 2, towards the latter part of July, 1882, as you have previously testified, state fully how said machine was used, in formation of pails, in connection with the dental rubber diaphragm.

Ans. The dental rubber was put on to the cylinder marked [A], turned up on the outside, a string or wire—I guess we used both, not at the same time, but at different times—tied round in a groove made in the bottom part of the cylinder to hold the rubber from slipping off. The cylinder was then taken and placed down over the former on to the segment casting marked [E] [E]. That left the rubber stretched over the

former; then the cylinder was clamped to the bed marked [B]. The stock was put in underneath the bed into a groove in the base or bed in the iron casting—the corresponding one in the iron casting, I should have said. The stock was forced in by a common hand-pump, and come up through the perforations in the iron segment between the rubber and the former. After a sufficient amount of stock was put in, suction was applied, and that, in connection with the atmospheric pressure, which is about 15 lbs. to the square inch, formed the pail.

174. Why did you not, in these experiments, apply hydraulic pressure to the rubber of the machine, Exhibit No. 2, at that time, in the formation of pails?

Ans. I thought of putting in a head into the cylinder, but in doing that I should have to rig iron clamps, and be to quite an expense, to hold the cylinder on to the iron casting marked [E] [E]. I thought that I could get at what I wanted with that machine, without that expense.

175. State, if you can, when your first iron machine ordered to be built at Lyon, Bragg & Hubbard's, was completed and delivered at the works of the Fibre Ware Company.

Ans. I think some time in the latter part of August, 1882.

176. Please describe as clearly and briefly as you can, the construction of said machine, naming its parts.

Ans. If I remember that machine, there was a former, the shape of the inside of the pail, perforated. There was an iron bed; and I think there were two rings. There was a groove in them—the rings I mean. They, the rings, were put on to the bed. There was an iron dome come down over them. The dome was confined to the bed by bolts. There was a gauze jacket put on over the former, connection made with the opening of these stock rings with a hand-pump which we had. There was a pipe connected with another pump leading from the bottom of the bed, for suction. This same pump, that put in stock, was piped to the dome to put on the

hydraulic pressure. These pipes were shut off by valves, so that I could use one pump for giving the hydraulic pressure, and also for putting in the stock.

177. Please state how in that machine the stock was applied to the former, in the formation of a pail.

Ans. Stock was put in through a hand-pump, forced into the ring—the opening—and through perforations in this ring, in between the former and the rubber. After sufficient amount of stock was forced in, the pressure was applied to the outside of the rubber to form a pail.

178. When did you first employ this first iron machine in the formation of pails?

Ans. I think we didn't use it till after the Treatment-House was completed and ready, for the reason that the mill was shut down during that time.

179. State, if you can, when the Treatment-House was completed and ready.

Ans. I think somewhere in October or November—I could not tell without looking at the time-book.

180. Had you anything to do with the construction of the Treatment-House?

Ans. I did. I gave it my personal attention through its construction.

181. State, if you please, the purpose of the Treatment-House, the construction of which you gave your personal attention to.

Ans. It was for the purpose of boiling linseed oil, mixed with rosin, to soak the ware in when it was hot. Then there were ovens to bake it after it was soaked in oil and rosin.

182. Where was this Treatment-House built, and what ware was to be soaked and baked, as referred to in your last answer?

Ans. It was built about 50 feet from the Fibre Ware Com-

pany's Mills, in Waterville. We soaked basins there and baked them; also some pails.

183. Had you previously received any orders regarding the handling of this ware, previous to the treatment thereof in the Treatment-House, and if yea, what were the orders?

Ans. I received some orders from Mr. Chisholm, to be very careful not to put in any imperfect basins; and I was also instructed by him to be careful not to get any oil on them, especially linseed-oil; because it would spoil them. He said he got his instructions about that from Prof. Carmichael—that he must be very careful not to have them get round where there would be any oil come in contact with them; and I cautioned the men to be careful.

[*Answer objected to—as hearsay testimony and irrelevant.*]

184. Where is the first iron machine that was built by Lyon, Bragg & Hubbard, and completed as you have previously testified?

Ans. I do not know.

185. Please state where it was when you last saw it.

Ans. It was at the Fibre Ware Company's mill, at Waterville, Me.

186. Is that mill still in existence?

Ans. It is not.

187. What has become of it?

Ans. It was destroyed by fire.

188. When?

Ans. In the spring of 1884, I think.

189. Do you know whether your first iron machine was in the mill at the time of the fire?

Ans. I don't remember, at this time, whether it was or not.

190. Were you employed in, or connected with said mill at the time of said fire?

Ans. I hadn't left the Fibre Ware Company's employ, but
27—P. O.

I was not there at the time. I was at the Rev. David Newell's house in Gorham, Me., at that time, stopping.

191. When next, if at all, did you order an iron machine, after the completion of the iron machine to which you have already testified ?

Ans. I think some time in January or February, 1883.

192. Where was that machine made and when was it completed ?

Ans. It was made at Lyon, Bragg & Hubbard's, West Waterville, Me. I think it was completed in February, 1883.

193. Please describe briefly the construction of said machine.

Ans. That machine was similar in construction to the first machine, with a larger dome—more space between the former and the dome. This machine had a rubber packing ring, that went down over the former to pack the joint after the former was placed up into the machine.

194. What was the kind or form of rubber used in this machine, in connection with the former ? I do not refer to the rubber packing ring.

Ans. We used a rubber-bag made something the shape of a hat. It had a rim. It come out between the bed and the dome—made a packing for that joint, and held the bag in position. This bag was somewhat smaller than the former, so that in putting on the pressure it would not wrinkle.

195. When was this second iron machine employed in the formation of pails ?

Ans. I think in February or March, 1883.

196. What was the condition of the pails made on said machine ?

Ans. We made some very good pails ; some of them I see in the room here now, that were made on that machine.

197. Will you please point out to the Examiner the pails

which you see in the room, and which were made on this second iron machine?

Ans. These four pails that I have here, I recognize as all being made on that machine.

[*Witness points out Bodge Exhibit No. 3, and three other pails, which are now marked "Bodge Exhibits Nos. 14, 15 and 16,—A. H. D., Ex'r, June 14, 1886," respectively.*]

198. Please state if you can, when the pails, Exhibits Nos. 3, 14 and 16, were made on the No. 2 iron machine?

Ans. Them pails, I think, were made some time in February or March, 1883.

199. State, if you know, where this No. 2 iron machine now is.

Ans. I couldn't state.

200. Do you know whether it was in the works of the Fibre Ware Company, at or about the time of the fire which destroyed said works?

Ans. It was.

201. After the completion of the second iron machine, state when next, if ever, you ordered an iron machine to be built, and when completed.

Ans. I ordered an iron machine to be built in the summer of 1883—I can't state at what time in the summer. I think it was completed some time along in the early part of the fall of 1883.

202. Who built said machine?

Ans. Lyon, Bragg & Hubbard, West Waterville, Me.

203. Do you know of a meeting of the stockholders of the Fibre Ware Company, which was held at the office of Hugh J. Chisholm, on Exchange St., Portland, Me., on the 7th day of September, 1883?

Ans. I know that there was a meeting held somewhere about that time, I think, to which I sent some pails made on the same machine as Exhibits 3, 14, 15 and 16; and with

them was a seat for a baby-jumper, which was made on the same machine.

204. Calling your attention to the photographs, Bodge Exhibits Nos. 4 and 5, will you please state what they represent, if you know?

Ans. They represent a pail machine.

205. Whose pail machine, if you know?

Ans. That pail machine I ordered to be made at Lyon, Bragg & Hubbard's, for myself. Afterwards I had it charged to the Fibre Ware Company, Waterville, Me.,—I should have said Portland, Me.

[Adjourned to 2 P. M., same day.]

JUNE 14, 1886, 2:30 P. M.

206. Please state whether or not the said photographs represent your third iron machine as it was set up after completion; and if yea, state where it was set up.

Ans. This photograph, marked No. 5, represents the third machine, and was set up in the Fibre Ware Company's mills, Waterville, Me., I think some time in August, 1883.

207. What does the photograph No. 4, represent?

Ans. It represents the same machine.

208. Who is the party represented, or photographed, in photograph No. 5—standing near the machine?

Ans. It represents myself.

209. Upon what machine was the pail made that is represented in the foreground, as resting upon a bench or small stand?

Ans. That was made upon a machine that is represented in this photograph, No. 5.

210. Now, are you able to state when these photographs were taken, and where was the machine at the time?

Ans. Those photographs were taken very soon after the machine was set up at the Fibre Ware Company's Mill, in Waterville, Maine.

211. Referring to Photograph No. 4, please state upon what machine was made the pail that is seen through and behind the framework of the machine and which rests upon a bench—the said pail being shown as hooped and bailed.

Ans. I think that was made upon the No. 2 machine.

212. State if you know, what has become of the machine represented in Exhibits Nos. 4 and 5?

Ans. I do not.

213. State whether or not it was in the works of the Fibre Ware Company, at or a short time before said works were destroyed by fire.

Ans. It was there.

214. I hand you a document, and ask you to state what it is, if you know.

Ans. It is a check for \$20, dated July 3, 1882, that I received from H. J. Chisholm, at his office on Exchange Street, Portland, Me., and got cashed that day at the National Trader's Bank, Portland, Me.

[*Said check introduced, marked "Bodge Exhibit No. 17, Chisholm Check of July 3, 1882,—A. H. D., Ex'r, June 14, 1886."*]

215. Please examine said check, and state whether or not it now shows any signs of ever having been folded.

Ans. It shows no such signs. I remember that I took the check in my hand and went directly to the Bank with it and got it cashed.

216. Please state whether or not this check, Exhibit No. 17, is the one previously referred to, as having been received by you on the day that you and your brother, Elbridge S. Bodge, were in Portland together, as testified by you in your answer to Int. 152.

Ans. I recognize it as the same check.

217. Calling your attention to the device which I point out to you, will you please state what it is, if you know?

Ans. That is a plunger (referring to Bodge Exhibit Section Plunger.)

218. State, if you can, whose it is, and how or with what it was used, if it all.

Ans. It was used with a machine that I had made at Waterville, Me.—Bodge Exhibit No. 2. It was made for the Fibre Ware Company.

219. State, if you can, when it was made.

Ans. I cannot remember at what time, in the course of my experiments with that machine, Exhibit No. 2, this plunger was made.

220. State, as near as you can, when you first used a sectional plunger, like or similar to Bodge Exhibit Sectional Plunger, during any of your experiments with the machine, Bodge Exhibit No. 2, or in connection with any other machine of your own invention.

Ans. I don't think I used a sectional plunger until after I had tried the first iron machine.

221. With what machine did you use the first sectional plunger which was constructed by or for you?

Ans. I used it with a machine—Exhibit 2.

222. Please state how you used the first sectional plunger constructed by or for you, in connection with your machine, Exhibit No. 2—referring to the parts of said machine with which such sectional plunger came in contact.

Ans. The sectional plunger was used to press down on the outside of the rubber, to illustrate some things I wanted to find out in forming the pulp on the former.

223. I call your attention to some pails in different stages of completion, and ask if you know where they were made.

Ans. They were made at the Indurated Fibre Company Mills, at North Gorham, Me.

[*Said pails—5 in number—are introduced and marked, "Bodge Exhibit Nos. 18, 19, 20, 21 and 22,—A. H. D., Ex'r, June 14, 1886," respectively.*]

224. Will you please describe the various steps employed in the formation and final completion of a pail—referring in your description, as it becomes necessary, to said Exhibit pails, Nos. 18-22, inclusive?

Ans. This pail, Exhibit 18; the pulp is mixed to the right consistency in a beating engine, the same as is used in mixing paper stock and wood-board. The stock is about the same consistency of the stock used for wood-board. It is taken from there to a tank in the basement of the mill, where there is an agitator to keep the pulp or fibre from settling at the bottom. Attached to this tank is a centrifugal pump, with pipes leading to the machine and returning to the tank. The pulp is let into the machine, under a pressure of about 75 pounds to the square inch, between the former and a rubber bag. After a sufficient amount of stock is forced into the machine to expand the bag against the iron case or dome, the valve is then closed, shutting off the stock, and a valve opened connecting with a pump, that is used for applying hydraulic pressure. After the pressure is applied, the rubber bag closes in towards the former, forces the water from the pulp through a drainer, made of No. 60 gauze. The water going through this drainer brings the fibre together and forms the pail. After the pail is formed the machine is unlocked, the former is lowered and the pail removed therefrom. It is then placed on racks and removed to the dry house. This Exhibit No. 18 represents a pail as dried on the dryer.

This pail, No. 19, represents a pail after being taken from the dry house and put on to a form fitted to the inside of the pail. A gang of saws passes over the surface of the sides, takes off

the rough and evens the pail. It is then sawed off—the rough edge.

This pail, Exhibit No. 20, represents a pail after the rough being taken off with a gang of saws, put on to a form, fitting the inside of the pail, which revolves—when I was there—about 700 revolutions in a minute. It is then sand-papered on the outside. It is then taken from that form and put into what we call a “chuck,” which revolves about the same number of revolutions a minute, and is sand-papered on the inside. It is then taken to the Treatment-House and dried thoroughly.

This pail, Exhibit No. 21, represents a pail soaked in hot linseed oil and rosin. This pail, Exhibit No. 22, represents a pail soaked in hot linseed-oil and rosin, baked in an oven 12 hours, under a temperature of about 250°; removed from there, put on to a form, and sand-papered inside and out to take off the fuzz or nap. It is then dipped in boiled oil and rosin, and placed in the oven and baked for about 12 hours. It is then taken from the oven and dipped in the same preparation, placed back in the oven and baked again for about the same length of time, at a temperature of about 270°. It is then taken from the ovens, the ears and bail put on; then packed in dozen packages, for the market.

225. I call your attention to a device or article, and ask you what it is.

Ans. It is called a baby-jumper seat.

226. If you know, state where, and under what circumstances it was made.

Ans. This was made in Waterville, Maine. The circumstances were that a gentleman from New York came to the Fibre Ware Company's mill, Waterville, Me. He had one made something in this shape of sole-leather. He said that he had noticed some fibre ware basins and thought that if the seats could be made of the same material as the basins, they would be better than the sole-leather ones, for the reason that the

leather would get wet upon being used, and soon get out of shape. He asked me if I could make seats of pulp. I told him that I could. He wanted me to make a sample and send to him in New York. I went over to Mr. Lyon, of the firm of Lyon, Bragg & Hubbard, had a form made of the shape of the inside of the seat, had it fitted to the pail machine instead of the pail former, and formed quite a number of them. Some of them I finished up, soaked them in oil, baked them and sent them to New York. The gentleman that I sent them to, as soon as he saw them, came to Waterville and wanted to make a contract for a large number of them. We had some left. I sent several to Portland, Me., at the request of some of the officers of the Fibre Ware Company; also some pails I sent with them to a meeting that they were about to hold in Portland, Me.

[*Said Baby Jumper seat introduced and marked "Bodge Exhibit No. 23,—A. H. D., Ex'r, June 14, 1886."*]

[Adjourned to June 15, 9:30 A. M.]

JUNE 15, 9:30 A. M.

[Met pursuant to adjournment; parties present as before with the exception of the witness, from whom word was received that he would reach town at 11 A. M., or thereabouts.]

[Witness appears at 12 M.]

227. In your answer to Int. 141, you refer to having hired a team from B. F. Brown, of South Windham, the bill for which you have in your possession; if you now have said bill will you now produce the same?

Ans. I will and do.

[*Witness produces bill, and it is marked "Bodge Exhibit No. 23,—A. H. D., Ex'r, June 15, 1886."*]

228. If you now have anything to say as to your whereabouts upon any of the days about which you have testified in

your previous examination, please do so, with any reasons or explanations therefor.

Ans. After thinking about the time I was at Brunswick, Me., and the circumstances connected with that, I remembered, since testifying, of other circumstances which occurred about that time, and I find that instead of being the seventh day of July I met Mr. Chisholm, Brown and Gardner, at Brunswick, that it was on the sixth day of July, 1882. The circumstances that brought my attention to this, was the next day after my arrival at Gorham, Me.,—my son's—I had our doctor, N. M. Marshall, telegraph to Dr. Smith, of Saccarappa, to meet him at my son's at about four o'clock; since I remembered that circumstance, I called on Drs. Smith and Marshall and find that that consultation was held on the seventh day of July, 1882.

[*Latter part of this answer objected to as hearsay.*]

229. Were you present at or during the consultation of Drs. Marshall and Smith, at Gorham, on the seventh day of July, 1882?

Ans. I was.

Cross-Examination by C. F. LIBBY, ESQ., Counsel for
CARMICHAEL.

X 230. What has been torn off of the lower part of the last exhibit you have introduced, being Exhibit No. 23?

Ans. I couldn't tell.

X 231. As it now stands it is an unreceipted bill; was it ever paid?

Ans. It was.

X 232. When was the receipt torn off from it?

Ans. I do not know.

X 233. What do the figures on the back refer to?

Ans. I couldn't tell.

X 234. Will you now state the different days in the year 1882, in which you were in Brunswick and met Prof. Carmichael?

Ans. With my best memory and what I have been able to ascertain, I was at his house on the sixth day of July, 1882, and the eleventh day of July, 1882.

X 235. Are these the only days in the year 1882, in which you met Prof. Carmichael in Brunswick?

Ans. I do not remember of being there on any other days, and have not been able to find out if I was.

X 236. How positive are you that the days above mentioned are the only times at which you met Prof. Carmichael in Brunswick in the year 1882?

Ans. As I have not been able to remember, or get any evidence of being there any other days.

X 237. [*Cross-Int.* 236 repeated.]

Ans. I shall have to make the same answer.

X 238. The question is how positive are you, on this point, that you did not meet him at any other times than July 6th and 11th, at Brunswick, in 1882?

Ans. I am positive that I do not remember of being there, nor have I been able to get any evidence that I was there at any other time.

X 239. Are you willing to swear that you did not meet him in Brunswick, in the year 1882, on any other day or days, except the two above mentioned?

Ans. I am not.

X 240. On what other day or days, except those above mentioned, is it possible that you may have met Prof. Carmichael in Brunswick in the year 1882?

Ans. I couldn't remember any particular day that I may have met him, except the sixth and eleventh of July.

X 241. What was the object of your different visits to Prof. Carmichael in Brunswick, in July, 1882?

Ans. It was for the object of consulting with him in regard to building a Treatment House at Waterville, Me.; and about his process of treating hollow-ware.

X 242. When did he first explain to you the details of his process for treating hollow-ware ?

Ans. I think on the eleventh day of July, 1882. There may have been some talk about it when I was there with Chisholm, Brown & Gardner, on the sixth day of July.

X 243. On any of your visits to Brunswick, in July, 1882, did you meet Mr. C. C. Hutchins, now Instructor in Astronomy and Physics, in Bowdoin College ?

Ans. I think I did meet Mr. Hutchins, but cannot state how many times.

X 244. When and where did you first meet him ?

Ans. I think the first time I saw Mr. Hutchins was in or near Prof. Carmichael's stable. I do not remember whether I was introduced to him at that time, or not.

X 245. When were you first introduced to him and by whom ?

Ans. I do not remember.

X 246. Did you ever have any conversation with him, as to the treatment of basins by Prof. Carmichael's indurating process ?

Ans. I do not remember.

X 247. How did you happen to make the acquaintance of Mr. C. C. Hutchins, in Brunswick, in July, 1882 ?

Ans. I do not remember.

X 248. Did you meet him more than once in Brunswick, in July, 1882 ?

Ans. I think I did.

X 249. How many times ?

Ans. I could not tell.

X 250. How many times have you any positive recollection of meeting him in Brunswick, in July, 1882 ?

Ans. I will not state positively how many times, but I think two or three.

X 251. If you have any distinct recollection of meeting him more than once, will you state the circumstances of each meeting, and the number of the same.

Ans. My memory is that I saw him at the Treatment-House and at the stable near Prof. Carmichael's house. I remember a circumstance of Mr. Peterson saying that he was there, but did not know anything about the business. Mr. Peterson seemed to me at that time to be put out, because he was superseded by Mr. Hutchins.

[Adjourned here to 2 P. M.]

JUNE 15th, 2:15 P. M.

X 252. When was it that Mr. Peterson made the remark, referred to in your last answer?

Ans. I cannot remember.

X 253. Was it at the time of either of your visits to Brunswick in July, 1882, as before stated by you?

Ans. I do not think it was.

X 254. Why, then, did you state it as a circumstance which you remembered in connection with your seeing Mr. C. C. Hutchins at the Treatment-House, at the time of one of those visits?

Ans. I didn't wish to be understood as saying that this was at the time of either of my visits on the sixth of July or the eleventh. I mentioned it as I remembered of some conversation of that kind with Mr. Peterson.

X 255. What did you mean in your answer to Int. 251, by the phrase, Mr. Peterson said "that he was *there*, but did not know anything about the business"?

Ans. I supposed Mr. Peterson meant that he was merely

there as a figure-head, but I did not say it was either on the sixth or eleventh of July that this remark was made by Mr. Peterson.

X 256. What did you mean by the word *there*, in the above quotation ?

Ans. At the Treatment-House in Brunswick, Me.

X 257. How had Peterson been superseded by Mr. Hutchins ?

Ans. As I understood it, at the first times I was there Mr. Peterson was in charge of the Treatment-House in Brunswick, Me. About how he had been superseded by Mr. Hutchins I do not know.

X 258. In your answer to Int. 251 you say, " Mr. Peterson seemed to me at that time to be put out because he was superseded by Mr. Hutchins." Will you state why you gave this circumstance as an answer to my inquiry in which I requested you to state the circumstances of each of your meetings with Mr. C. C. Hutchins, if the circumstance stated by you had nothing to do with such meeting.

Ans. I do not wish to be understood as saying that this circumstance occurred on the sixth day of July, or the eleventh day of July, as I do not remember of seeing Mr. Hutchins at the Treatment-House on either of these days; but I will not say, positively, that I did not see him at the Treatment-House on the eleventh.

X 259. In your last answer you say, " I do not remember of seeing Mr. C. C. Hutchins at the Treatment-House on either of these days." In the commencement of your answer to Int. 251 you say, " My memory is that I saw him at the Treatment House." If such was your memory an hour ago before adjournment, at what time did you then refer to as having seen Mr. Hutchins at the Treatment-House ?

Ans. I do not refer to any particular time that I saw him. I remember of seeing Mr. Hutchins at the Treatment-House

in Brunswick, Maine, but I can't at this moment recall the date.

X 260. If it was not on July 6th, or July 11th, when was it?

Ans. I do not know.

X 261. Were you at the Treatment-House in Brunswick on any other days in July, 1882, except those last above stated?

Ans. I may have been, but do not remember positively whether I was or not.

X 262. On what other days in July, except the sixth or eleventh, may you have been at the Treatment-House?

Ans. I may have been there on the fifteenth day of July, or between the twenty-sixth day of July and the first day of August.

X 263. What was the object of your visit to Brunswick on the fifteenth day of July, 1882, as stated in your answer to Int. 146?

Ans. One object was to meet my wife, and another was, as near as I can recollect, to visit the Treatment-House in Brunswick.

X 264. For what purpose did you wish to visit the Treatment-House at that time?

Ans. If I visited the Treatment-House at that time it was for the purpose of learning the details of the process for treating hollow-ware, which I was instructed to give my attention to.

X 265. From whom were you to learn the details and process above referred to?

Ans. I got the most of my information regarding the process used for indurating ware from William Peterson.

X 266. From whom were you instructed to learn the details of the process for treating hollow ware, referred to in your answer to Int. 265?

Ans. From Charles D. Brown, of Portland, Me., and Hugh J. Chisholm, of the same place.

X 267. My question is not *by* whom you were instructed, as you have answered it, but from whom were you to learn these details according to the instructions you received?

Ans. I was instructed to meet Charles D. Brown, at Prof. Carmichael's, in Brunswick, Me., on the sixth day of July, 1882, for the purpose of getting, as I supposed, instructions from him, Prof. Carmichael.

X 268. When you visited Brunswick for the purpose of learning the details of Prof. Carmichael's indurating process, as indicated in your answer to Int. 264, did you expect to learn them from a laborer like Peterson, in Prof. Carmichael's employ, or from the man who invented the process, and superintended the operations of the Treatment-House?

Ans. I know one thing, that whoever superintended the Treatment-House, or treatment of ware, at that time, came very near running the business into the ground; notwithstanding all my efforts to send nice formed ware to Brunswick, Me., to be treated and put onto the market to build up a trade, the greatest part of the ware was so badly treated that it was returned to Waterville, Me., and remained there until I sold them—the basins—for twenty-five cents a dozen.

X 269. Is that the only answer you can make to my question?

Ans. I thought William Peterson knew as much about it as any man I met there at that time—the details, I mean.

X 270. What men did you meet there at that time, as referred to in your last answer?

Ans. I do not remember their names, with the exception of Mr. Peterson.

X 271. Did you ever see the written detailed instructions furnished by Prof. Carmichael to the Fibre Ware Company, as to the use of his indurating process on their ware?

Ans. I have.

X 272. When did you first see it?

Ans. I don't remember when I first saw it.

X 273. How are you able to fix the date of July 15, 1882, as the time that you left Gorham in the morning and came to Brunswick, and met your wife and returned with her to North Gorham on the afternoon train, as previously testified to by you?

Ans. I fix it from memory, and by circumstances connected with my son's sickness at that time.

X 274. What circumstances?

Ans. One circumstance is, Mr. H. B. Cloudman taking me to Gorham Corner to take the early train to connect with the Maine Central, and my memory of that time, and my wife's memory.

X 275. Why would not the circumstance of Mr. Cloudman's taking you to Gorham Corner, have happened on some other day, so that your memory may be at fault in the matter?

Ans. I don't remember of going to Gorham Corner to take the early train on any other morning than that, or at any other time in 1882.

X 276. After an interval of nearly four years, does that event stand out so identified with the date July 15, 1882, as to enable you to fix it positively?

Ans. Since this Interference case came to my notice, I have been searching diligently and carefully for every fact in connection with my memory, to get at my whereabouts and movements in the month of July, 1882. I have not been able so far, to fix that event on any other day than the fifteenth day of July, 1882.

X 277. Do you depend for that date upon any prior or subsequent dates, fixed by you in July, 1882?

Ans. I do.

X 278. What other dates?

Ans. From the fact of my wife's returning with me to Waterville, Maine, on Monday, the seventeenth day of July, 1882, and my return to Gorham on the nineteenth.

X 279. Is that date, the fifteenth of July, fixed any more or less positively in your mind, than any other date you have mentioned in your testimony?

Ans. It is not. I mean my movements in going to and from Waterville and Gorham.

X 280. How many days were you absent from Waterville, in the month of July, 1882? Please specify those on which you were so absent?

Ans. I was absent from the first to the third; I was absent from the sixth to the eleventh; I was absent from the thirteenth to the seventeenth; I was absent from the nineteenth to the twenty-sixth.

X 281. Are you positive as to these dates?

Ans. I am, so far as I can recollect and get any evidence of.

X 282. My question addresses itself to the accuracy of your recollection and the certainty of the evidence, and in view of both are you willing to testify positively as to the dates stated by you in your answer to Int. 280?

Ans. I am not.

X 283. Which dates, if any, of those referred to, are you not willing to testify to positively?

Ans. I haven't so positive evidence, although I am very sure, and think that I can furnish positive evidence before the close of this examination, about the fifteenth day of July, 1882.

X 284. Is your certainty as to the dates July 11th, July 12th, and July 13th, more or less positive than as to the date July 15th, and the events connected therewith?

Ans. They are more positive at this time.

X 285. Where does your doubt arise as to July 15, 1882

Ans. I have no doubt.

X 286. Why then is it less positive than as to the dates July 11th, 12th and 13th ?

Ans. I haven't got as much evidence.

X 287. So that in fixing these different dates, if I understand you, you are not relying upon your own recollection, but upon that of other parties. Am I correct ?

Ans. I rely on both my own and others.

X 288. To what extent do you rely on your own and to what extent on other parties' recollection, in fixing these different dates in July, 1882 ?

Ans. I rely on my own during the month of July, from the fact that it was one of the most eventful periods in my life. I recall my memory of events and circumstances connected with them, and searched diligently for evidence to substantiate my recollection so that I cannot make any mistake, as I do not wish to do, in my evidence in this Interference case. I will add there, that I remembered a circumstance that was connected with my visit to my son's home on July 6, 1882. I went immediately to the parties and found out that I had made a mistake of one day ; that was the cause of my not being at this office at half-past nine this morning. I refer to the date of July 6th, which I had previously stated as July 7th.

X 289. In your previous testimony, you have referred to your search for outside evidence as enabling you to fix dates. Will you state whether or not, in such search, you visited the office of Dr. Jones, the dentist in Waterville.

Ans. I did.

X 290. Did you procure from him any bill or paper fixing a date of the purchase of rubber which has not been introduced in evidence ?

Ans. I did.

X 291. Where is that paper now ?

Ans. I have it in my hand, and produce it.

X 292. I see this bill is dated April 3, 1886, and is marked

"Duplicate," and not receipted. At whose request did Dr. Jones obtain this duplicate bill?

Ans. It was not by my request. I am not sure as he told me at whose request that he procured that, but he may have told me at the time I got it.

X 293. At the time you saw Dr. Jones, early this spring, did you ask him whether he could remember at what time, if any, he ever sold you a piece of rubber?

Ans. I think I did.

X 294. Did he then tell you that he could not remember, or words to that effect?

Ans. He did, and I called his attention to the conversation, as I remembered it, that we had when I procured the rubber of him, the first that I bought of him. I pointed out where it was taken from, and told him the circumstance, as I remembered it, of what there was said between us at the time.

[Adjourned here to 9:30 A. M. of June 16, 1886.]

JUNE 16th, 9:30 A. M.

X 295. Did your visits to Brunswick, in July, 1882, have any reference to plans for a Treatment-House, made by Prof. Carmichael, which you were to erect in Waterville, Maine?

Ans. They did.

X 296. When did said plans first come into your possession?

Ans. I do not remember.

X 297. What do you mean by that?

Ans. I mean that I do not remember when I got the sketches, drawings, of Prof. Carmichael.

X 298. If your visits to Brunswick had as their object in view, the obtaining of such plans, do you not know whether such plans were furnished you at such visits, or either of them?

Ans. I do not.

X 299. Is it possible that your memory can be sufficiently

exact to re-produce conversation happening four years ago, with such detail and minuteness as in your answer to Int. 112, and yet cannot remember whether you succeeded in one of the objects of your visit, which was to obtain plans for the Treatment-House?

Ans. I remember, substantially, the conversation that we had in regard to the manner or ideas expressed by each of us in our short conversation; but I do not remember whether I got the plans of a Treatment-House to be built in Waterville, Me., or not.

X 300. Can you remember whether or not, for any reason, there was urgency on the part of the Fibre Ware Company to obtain those plans in July, 1882?

Ans. I think there was.

X 301. For what reason?

Ans. I think one reason was, that the basins that we shipped from Waterville to Brunswick to be treated, were injured somewhat; another was, I think, that they were very imperfectly treated at Brunswick, Me.

X 302. Did you have those plans before you, at any interview you had with Prof. Carmichael in July, 1882, in Brunswick, Maine?

Ans. I saw a sketch there at his house—as I remember it now, it was not completed—of the proposed Treatment-House to be built in Waterville, Maine.

X 303. What sort of a sketch did you see?

Ans. I think it was on a paper; I think it was nearly square—I don't know but I may be wrong about that.

X 304. What kind of paper?

Ans. It was white paper, if I remember right.

X 305. Letter-paper or draughting-paper?

Ans. I do not remember distinctly.

X 306. Do you mean by that, that you have any doubt that it was on paper other than letter-paper?

Ans. It might have been.

X 307. Were not these plans, or sketches, as you call them, afterwards used by you in constructing the Treatment-House, at Waterville, Maine?

Ans. I made a drawing from a sketch made by Prof. Carmichael and changed it somewhat from his sketch, for the purpose of a drawing to work from.

X 308. Did not you receive from Prof. Carmichael working plans, drawn to a scale, for the Treatment-House to be erected at Waterville?

Ans. I received a sketch or plan from Prof. Carmichael, and made drawings myself to work by, using them in the construction of the Treatment-House, at Waterville, Me.

X 309. Did you or not, receive plans, drawn to a scale, from Prof. Carmichael, for the erection of a Treatment-House at Waterville?

Ans. I received plans from him which I presume was drawn to a scale.

X 310. Did you, at any interview you had with Prof. Carmichael in July, 1882, discuss the details of these plans?

Ans. I think I did.

X 311. Can you remember what, if any, details you then discussed?

Ans. We talked about the size of the ovens, location of the furnace, and the general construction of the proposed building.

X 312. Did you have any discussion with him at that time, as to the location of the chimney?

Ans. I do not remember.

X 313. Did you have any correspondence with Prof. Carmichael, in July, 1882, about these plans?

Ans. I think very likely I did.

X 314. What do you remember about that correspondence?

Ans. I don't remember anything about it—what it was.

X 315. Is your memory so defective as to matters happen-

ing four years ago, relating to the special object of your visit to Brunswick, as not to furnish you any details of the matter inquired about in Int. 314?

Ans. A letter may have been written by me when I was very much hurried about that time, that I should not remember the contents after four years.

X 316. Do you remember now of writing any such letter?

Ans. I think I remember of writing to Prof. Carmichael, but I cannot state at what time, or what was in the letter.

X 317. Did you write him more than once in July, 1882?

Ans. I think very likely that I did.

X 318. Do you remember now of having written him more than once in that month?

Ans. I do not.

X 319. Does the letter referred to in your answer to Int. 315, stand out in your memory as an isolated fact, or do you remember it as a part of other correspondence that you had with Prof. Carmichael in July, 1882?

Ans. I think that I wrote him something in relation to the Treatment-House, but I don't remember what, nor when.

X 320. [*Question 319 repeated.*]

Ans. I do not remember it as a part of other correspondence.

X 321. Did you receive any letters or postals, or other communications from Prof. Carmichael, in the year 1882, and subsequent to your last visit to Brunswick, in July in that year?

Ans. I do not remember.

X 322. Is your memory troublesome, in dealing with such matters, so that it furnishes you no information?

Ans. It is a good deal owing to the circumstances of the case.

X 323. Don't you know whether you received any communication from Prof. Carmichael, subsequent to your visits to him in July, 1882?

Ans. I do not.

X 324. Don't you know whether you wrote to him for any information, subsequent to the time referred to in the last question ?

Ans. I think very likely that I did.

X 325. Don't you know whether you received any reply from him ?

Ans. I do not.

X 326. In your answers to Ints. 67 and 68, you say that you commenced the wooden machine now produced as your Exhibit No. 2, in the early part of June, 1882, and that it was completed in the middle or latter part of the same month. What parts other than those now present were connected with said machine, or were used as a part of the same, when it was completed, as you state ?

Ans. There was a pipe attached, which is not here, to the bottom of the bed ; and a gauze jacket to cover the former.

X 326. Was there anything else ?

Ans. I do not remember, at this time.

X 327. Do you mean by that, there was not anything else—or that your memory is cloudy upon the subject ?

Ans. I don't mean that there was nothing else. There was a suction pump attached to the pipe leading from the bed.

X 328. From what part of the bed ?

Ans. The bottom.

X 329. What part of the bottom ?

Ans. From the center.

X 330. What sort of a suction pump was this, that was attached to the pipe, running from the center of the bed ?

Ans. We had a small engine in the mill—it was there when I went there—that I had cleaned up ; the belt put on to the fly-wheel and belted from the main shaft. We used that for suction.

X 331. When was that engine changed to a suction pump ?

Ans. I couldn't give the dates when it was done.

X 332. About what time?

Ans. I think in the summer or fall of 1882.

X 333. Then, when you have been answering my previous questions about this machine, have you referred to the time when this machine was completed, in the middle or latter part of June, 1882, as stated in your answer to Int. 68, or to a period subsequent to that time?

Ans. That machine was made in the month of June, 1882. We used it with a suction pump. I think we had the pump in the basement at the time it was first used.

X 334. What suction pump do you refer to, in your last answer, as being in the basement?

Ans. It was a pump that we had there, belted from the main shaft in the basement.

X 335. When did you change from that suction pump to the suction pump made from an engine, as previously described?

Ans. I don't remember at what time.

X 336. Why did you change?

Ans. We changed, because the small engine worked better for the purpose that we wanted to use it for.

X 337. And what was that purpose?

Ans. To get a stronger suction.

X 338. Were both pumps connected with the same orifice in the bed?

Ans. Not at the same time.

X 339. I do not mean at the same time, but in the order of their use?

Ans. They were.

X 340. At the time this machine, Exhibit No. 2, was completed in June, 1882, as you have previously testified, did the piece of gas-pipe, now on the side of one of the iron segments [E], form a part of this machine?

Ans. I don't think it did.

X 341. When was that added?

Ans. I don't remember at what particular time.

X 342. Have you no recollection upon that point?

Ans. I have not.

X 343. Who did the work?

Ans. I think that was done at Arnold's, or by one of his men.

X 344. Whom do you mean by Arnold's?

Ans. He carries on the hard-ware business at Waterville, Me.—his name is, I think, W. B. Arnold.

X 345. Do you know what workman, in the employ of Mr. Arnold, put that piece of gas pipe on to the iron segment?

Ans. There was two men in his employ that done work for me at that time, or the spring and summer of 1882. I do not remember now which of the two men done that particular job.

X 346. What were the names of those two men?

Ans. One of them was Henry Williams; the other I do not recall his name.

X 347. Where is Henry Williams now?

Ans. I saw him in Waterville, Me., the last time I was there.

X 348. When was that?

Ans. I think it was the 22d day of May, 1886. It was my birth-day, so I remember that.

X 349. In whose employ was he then.

Ans. I think in W. B. Arnold's employ.

X 350. Did you summons him down here as a witness in your behalf in this case?

Ans. I saw him here in this office. I supposed that he had been asked to come here.

X 351. How long ago was that?

Ans. I don't remember what day it was—not long ago.

X 352. Was he sent home after being interviewed, without testifying?

Ans. I do not know whether he was sent home or not.

X 353. For what purpose was that piece of gas-pipe introduced into the side of the iron segment, whenever that was done?

Ans. That was to test some thing or things that I wanted to find out, in the course of my experimenting.

X 354. [*Question X 353 repeated.*]

Ans. There was a great many experiments and ideas carried out on this machine, and the order of their being so carried out I do not undertake to remember at this time; knowing the magnitude of the job that I was then at work on, knowing that there had been years of experimenting, and a great deal of money spent for that purpose, I placed my whole mind and attention on learning every little detail in the formation of hollow-ware from pulp. I do not recall at what date, nor just the idea that I wanted to test, at the time that that small pipe was put into the iron ring, marked [E] [E], in two segments.

X 355. What, if anything, was connected with that small gas pipe in the iron segment, in your use of the machine?

Ans. I don't think there was anything connected with it, except another piece of pipe coming up along side of the cylinder.

X 356. Don't you know for what purpose you arranged that pipe, or how it affected the operation of the machine?

Ans. I think one purpose was to let in air.

X 357. What did you want to let in air for?

Ans. I should judge to assist the suction pump which was attached to the machine.

X 358. How did that assist the suction pump?

Ans. By letting air to the machine.

X 359. Into what part of the machine?

Ans. It connects with the stock ring.

X 360. Is that pipe so arranged as to let air into the channel or opening under the iron segments?

Ans. It would, if there was nothing else there to prevent it going in.

X 361. What do you mean in your last answer by "if there was nothing else there"? What else is there there?

Ans. I don't understand that question.

X 362. The Examiner is requested to read the last two questions and answers to witness.

[Said questions and answers read to the witness.]

Ans. I did not fully understand Int. 360, or wasn't paying strict attention.

X 363. Do you understand Int. 360 now; if so, please answer it?

Ans. It is not.

X 364. Into what part of the machine was it arranged to let in air to assist the action of the suction pump, as you have previously testified?

Ans. Into the cylinder, above the iron ring.

X 365. How did that assist the action of the suction pump, in the operation of this machine?

Ans. I don't know that it did.

X 366. Can you now give an intelligible account of the purpose and function of that part of the machine?

Ans. That was tried in connection with a great many other thoughts that would come into my mind, merely to find out what effect it would produce.

X 367. At the time this machine was completed in June, 1882, was there a wooden plunger made with it, other than the plunger now produced here, and marked "Bodge Exhibit, Sectional Plunger"?

Ans. I think there was.

X 368. Don't you know?

Ans. I wouldn't swear to it positively.

X 369. What makes you think so?

Ans. I have that impression from what I remember about the machine.

X 370. Were there so many plungers used in connection with this machine, that your recollection is confused as to the order in which they were made?

Ans. I don't have any recollection of there being more than two plungers made for that machine.

X 371. What were those two plungers?

Ans. One of them, I think, was made of soft wood, and hooped—that is my recollection about it. This plunger that I now see—Bodge Exhibit, Sectional Plunger—is the second one, if I remember right about it.

X 372. What sort of hoops did the plunger made of soft wood have?

Ans. I think they must have been of iron—metal.

X 373. Heavy iron hoops or light?

Ans. I do not remember how heavy they were.

X 374. Is this sectional plunger made of soft wood or hard wood?

Ans. I think that one (pointing to Bodge Exhibit, Sectional Plunger) is made of hard wood.

X 375. Which of these two plungers was first made?

Ans. I cannot state positively, but think the pine one was made first.

X 376. Is the sectional plunger produced here in the same form in which it was first constructed? If not, what changes were afterwards made in it?

Ans. I think it has been split open since it was made, into three parts. I don't remember whether there has been any other change made in it since it was made.

X 377. What parts, if any, are now wanting to this sectional plunger, which formed a part of it when it was first constructed?

Ans. I think there is a head which belongs with that, and something that went round the bottom part of it.

X 378. What sort of a "something" that went round the bottom part of it?

Ans. I should judge that there was a ring fitted on there, at some time.

X 379. What kind of a ring?

Ans. I don't remember now, whether it was iron or wood, or what shape it was.

X 380. What was the purpose of the ring?

Ans. I should judge it was for the purpose of closing the segmental parts together.

X 381. Any other purpose?

Ans. There may have been.

X 381½. What other purpose may there have been in the ring, as suggested in your last answer?

Ans. I do not remember.

X 382. Does your memory fail to furnish you with information as to the form and structure, and material and purposes of this ring for the bottom of this plunger, as you had it first constructed?

Ans. I tried so many different experiments for the purpose of learning small points in a cheap way with this machine now before me, marked Exhibit No. 2,—and as I have taken no pains since this examination, or previous to it, to try to remember, I cannot state the number of experiments that I tried nor the order in which they were tried, nor all of the points I wanted to demonstrate by the different experiments.

[Adjourned to 2:30 P. M., same day.]

JUNE 16, 1886, 2:30 P. M.

X 383. My questions address themselves to the early use of this machine, about which in your direct examination you

have testified very much in detail. Does your memory fail to give you information as to the early use of this plunger before it was changed over into the sectional plunger, which is produced here as your Exhibit?

Ans. In forming basins we had a machine with an iron cylinder and a former in the bottom, and a plunger that went down into that cylinder, with a die corresponding to the one in the bottom of the cylinder. Each was covered by a felt drainer. The stock was let into the cylinder; the plunger was let down and forced in by an iron lever that was weighted at one end and had a pinion on the other, and a rack on the stem of the upper die, which forced the water from the pulp through perforations in the male die, and formed the basins. In these experiments with my machine, Exhibit No. 2, I tried the effect that it would have in forming the pail, with other experiments.

X 384. I do not gather from your last answer as to what use you mean to be understood as saying the first form of this sectional plunger was put, in the early operation of this machine. I have asked you the shape and purpose of the ring that you say was then about the bottom of this plunger, which in your answer to Int. 381, you say you do not remember, other than that it was for the purpose of keeping the parts together. Will you now state whether, when this plunger was first used, it had an iron ring about it at the bottom, with a groove in the outside of the ring, to be used as a packing ring?

Ans. I don't remember whether there was a grooved ring on this plunger or not; but I think we had a ring or a tight plunger for the purpose of putting on packing, so that we could force it into the cylinder without letting the stock up by.

X 385. Was not this Sectional Plunger, as it now appears,

a tight plunger when it was first made, and before the arms or segments were used?

Ans. I think it was.

X 386. Will you examine this exhibit, marked "Sectional Plunger," about its lower edge, where the ring formerly went, and state whether or not, on the surface of the shellac or varnish still remaining on the side formerly in contact with the ring, you discover any marks which indicate that an iron or metal surface was formerly in contact with that wood.

Ans. I will. (*Witness examines.*) Yes, I should think there had been iron on there some time.

X 387. Does this examination aid you in determining whether the grooved ring, which you have spoken of, was originally on this plunger, or on the soft wood plunger which you have before mentioned as used with this machine?

Ans. I do not remember which plunger the iron ring with the groove for the purpose of putting on the packing was on.

X 388. Were the three tin pipes, now found on the outside of this sectional plunger, connected with it at the time when it was first made and existed in the form of a tight plunger?

Ans. They must have been there before the plunger was made in sections.

X 389. When was this plunger changed from a tight plunger to a sectional plunger?

Ans. I don't remember the date; but I think it was some time after I tried our first iron machine.

X 390. Who made this plunger in its original form?

Ans. I don't remember.

X 391. Who made the machine, your Exhibit No. 2, as it was completed in June, 1882?

Ans. A man by the name of Orel Stevens done most of the work—the wood-work I mean.

X 392. Where does he now live, and what is his occupation?

Ans. In Waterville, Me. I think he told me that he was at work in a sash and blind factory.

X 393. Since the examination of your witnesses in this case commenced, have you had him down here as a witness to find out what he knew about this machine and this plunger?

Ans. He was here one day. I did not ask him any questions about any machines on that day.

X 394. What was he here for?

Ans. I suppose he was here in connection with this examination.

X 395. Do you not know that Orel Stevens made the wood-work of this Sectional Plunger, when it was first constructed as a tight plunger?

Ans. I do not know positively whether he made it or not—this one, I mean.

X 396. Was not the wood-work of this plunger made by Orel Stevens, in connection with the wood-work of this machine, No. 2, at the time when it was first completed?

Ans. It may have been.

X 397. In your search for facts and dates, which you have previously stated that you have diligently made, have you not attempted to fix the facts and dates relating to the use and changes in this machine, No. 2, by consultation with the two men, Orel Stevens and Henry Williams, who did the principal work upon it?

Ans. I did not search very diligently for the facts connected with that machine, nor any of the others; but I did ask Mr. Stevens what he remembered about it, and he said he didn't remember much of anything. I also asked Mr. Williams—I did not get much information from him, if any.

X 398. Did you ask Orel Stevens how this machine was first used?

Ans. I think very likely I did.

X 399. Did you learn from him that this sectional plunger, in its original form, was first used with this machine?

Ans. I don't remember what he did say, other than he did not remember much about it. I did not feel interested enough in that to fix my mind on what he said.

X 400. Who put the three tin pipes upon this plunger when it was first made?

Ans. I presume some man working for Mr. Arnold.

X 401. Did you ever attempt to learn, by inquiry of Henry Williams, whether he did that work?

Ans. I did not inquire of him about that.

X 402. For what purpose were those tin-pipes in the sides of this plunger first put in and used?

Ans. I should judge, from the looks, that they were put in for the purpose of letting the water up through, as the plunger was forced into the machine.

X 403. How was the water taken care of by means of these pipes?

Ans. I should judge, from a hose connected with the suction pump.

X 404. How was the hose connected with these tin pipes?

Ans. I should judge there was a ring that went round the plunger and connected with the hose.

X 405. Do you find any such ring there?

Ans. I do not.

X 406. What connected the tin pipes with the suction pump?

Ans. I should judge there was a hose went in there somewhere.

X 407. Were both the former and the plunger, at the time this plunger was first made and used, connected with a suction pump?

Ans. My recollection of using that machine first, is simply by a suction pump connecting with the bottom of the bed.

X 408. When was suction used in connection with the plunger, then?

Ans. I do not remember in what part of my experiments that came in.

X 409. Is the wooden core of the former, now produced here, the first core that was used with this machine?

Ans. I think it was.

X 410. Was there not a solid core first used with this machine?

Ans. I don't remember that there was.

X 411. Was there not a core without iron rings and without holes in it first used in this machine?

Ans. I don't think there was.

X 412. Are you positive about this?

Ans. I am not.

X 413. Was there not wire gauze covering the core and also the iron segments, marked [E] [E], in this machine, at the time it was first used?

Ans. There was a wire gauze covering the galvanized iron jacket which was used on the core, but none on the segment casting, marked [E] [E], that I remember of.

X 414. Are you positive about this?

Ans. I don't see any use that a gauze could be put to on that segment casting, marked [E] [E]; and I don't remember that there ever was any on it.

X 415. Did you ever make any attempt, in the early use of this machine, to form a bead or thickened edge on the outer rim of the pail?

Ans. I do not remember distinctly about that.

X 416. Was a suction pipe ever connected with the channel or opening under the segmental rings, marked [E] [E], in the first or early use of the machine, No. 2?

Ans. Not that I remember of.

X 417. Are you positive about that?

Ans. I am not.

X 418. Who constructed the first experimental pail machine, which has been referred to as the tin machine?

Ans. I think Henry Williams done the most of it—if not all.

X 419. Was the cylinder of that machine straight, the same as in this machine, No. 2?

Ans. I think it was.

X 420. And did the plunger, in the tin machine, fit tight to the cylinder, the same as the plunger with a grooved ring, that you have referred to in your testimony as being used in this machine, No. 2?

[*Objected to—as assuming a fact different from the precise testimony.*]

Ans. I think it did.

X 421. How was the pulp put into the tin machine?

Ans. Into the top of the cylinder?

X 422. How was suction applied in the tin machine?

Ans. I think it was applied at the bottom of the machine.

X 423. Was it also applied at the top of the plunger?

Ans. I think it was.

X 424. For what purpose was the tight plunger changed into a sectional plunger, as we now see it in your exhibit?

Ans. I think for the purpose of pressing down over rubber.

X 425. What was the advantage of having it made in sections, for that purpose?

Ans. It would spread apart—the sections—and follow down against the sides of the cylinder, and close in at the bottom very nearly at right angles with the former.

X 426. What is there in this machine, No. 2, to cause the sectional plunger to close in at the bottom very nearly at right angles with the former?

Ans. I do not remember distinctly what device I used;

but it could be done by pressing down a wedge or wedges between the cylinder and plunger.

X 427. I am not asking you what could be done; but my question is, what is there in this machine to do it?

Ans. There is nothing that I can see in the cylinder; but it might incline towards the center by pressing the plunger down hard on to the segmental ring-casting; and I think I used some device to close that in which I don't remember—the thing that was used.

[Adjourned to June 17, 9:30 A. M.]

JUNE 17, 1886, 10 A. M.

X 428. In speaking of the sectional plunger, you say that "it might incline towards the center by pressing the plunger down hard on to the segmental ring." Do you state that as a matter of fact, or did you ever use it in that way?

Ans. I do not state that as a matter of fact. I don't know as I ever used it in that way.

X 429. Do you state positively, that the tight plunger was changed into a sectional plunger "for the purpose of pressing down over rubber," as stated in your answer to Int. 424, and not for any other purpose?

Ans. I think it was. I don't remember of any other purpose that that was made a sectional plunger.

X 430. As a matter of fact, was not that plunger made in sections, so that it might more readily be removed from the pail after it was formed?

Ans. I do not remember that it was. I tried a great many experiments with that machine for the purpose of learning different points. I know that practice with pulp, in my experience in handling of it, is better than theory.

X 431. Are you willing to testify positively that the change

in that plunger was not made for the purpose indicated in Int. 430 ?

[*Question 430 re-read.*]

Ans. I am not willing to state positively ; but my memory is that we didn't use it in that way—only in connection with the rubber.

X 432. Are you willing to state that it would be even feasible, to use that sectional plunger as it is at present constructed, with its rough edges of wire gauze and adjustable joints, so as to press down over rubber, in forming a pail, without rupturing or making folds in the rubber by catching it in the joints ?

Ans. I do not presume that was in the condition that it is now, when we used it ; but I will state positively that I did use it to press down over the rubber.

X 433. What change in the condition of that sectional plunger has been made since it was used by you, as stated in your last answer ?

Ans. I presume the gauze was on there smooth, and something confined to the bottom of the plunger.

X 434. What do you mean by "something confined to the bottom of the plunger" ?

Ans. Either a smooth piece of iron or wood that would pass down over the rubber without injuring of it.

X 435. Don't you know what, if anything, was used with that sectional plunger ?

Ans. I do not remember what was used at the bottom ; but I had a handle to it to press it down with.

X 436. When, if ever, did you use this sectional plunger to press down over the rubber, as stated in answer to Int. 432 ?

Ans. I think it was the last time that I ever used it, in the fall of 1882, after trying my first iron machine.

X 437. How late in the fall ?

Ans. In September or October—along there.

X 438. How early did you first use the first iron machine above referred to?

Ans. Some time during those two months.

X 439. Are you positive about that?

Ans. I state it from memory—I have not examined the bills very much to see when the first iron machine was made—the exact date it was used.

X 440. Did you not hear the testimony of Asa J. Lyon, in his answer to Int. 38, that this first iron machine was not set up until the last of November, or the 1st days of December, 1882?

Ans. I do not remember of hearing that; but his memory, in relation to that fact, might be better than mine.

X 441. Are the iron arms now on this sectional plunger the same that were put on when it was first changed from a tight to a sectional plunger?

Ans. I do not remember distinctly about that.

X 442. Don't you know whether there have been two sets of iron arms on this sectional plunger, while it was used as a sectional plunger?

Ans. I will not state positively about that?

X 443. What is your recollection?

Ans. My recollection is that there may have been more than one set of hinges or arms.

X 444. Who made the first set?

Ans. I could not tell you.

X 445. Was the idea of changing the tight plunger into a sectional plunger original with yourself, or was it suggested to you by any one else?

Ans. I do not remember its being suggested to me by any one else. I presume that it was my idea.

X 445. Don't you know whether it was your own idea or not?

Ans. I think it was.

X 447. When did that idea first come to you ?

[*Objected to—as having no bearing on the issue in Interference, and as immaterial.*]

Ans. I think the last time that I experimented with that machine.

X 448. When was that ?

Ans. In the fall of 1882.

X 449. Are you now able to state who made the soft wood plunger that was used with this machine, No. 2, and when it was made ?

Ans. I am not able to state positively.

X 450. What is your recollection about it ?

Ans. I presume Orel Stevens made it.

X 451. When ?

Ans. I think some time in July, 1882.

X 452. For what purpose was this soft wood plunger made ?

Ans. It was probably made for some experiment that I wished to try.

X 453. Don't you know for what purpose it was made ?

Ans. I don't remember what particular point I wanted to demonstrate.

X 454. Reference has been made in your and Mr. Asa J. Lyon's testimony to no less than four pail machines, commencing with your machine, No. 2, and including three iron machines, as having been made from the middle or latter part of June, 1882, to about August 18, 1883, and various modifications of the same, before a satisfactory machine was produced. Will you state about how much money was expended by the Fibre Ware Company in the building of these various machines, and the modifications that were made in them ?

Ans. I cannot state. These machines were made during the progress of other work that was being done at Lyon, Bragg & Hubbard—with the exception of the first machine made in June, 1882.

X 455. Were not these expenditures made under your direction, and in carrying out largely recommendations made by you?

Ans. They were.

X 456. Are not you able to state, approximately, the amount of money expended by the company, for the purposes stated in Int. 454?

Ans. The amount was not very large; but not having examined any of the bills since that time, I would not undertake to state any amount.

X 457. What do you call very large? Was it several thousand dollars?

Ans. I do not think that the expense amounted to several thousand dollars.

X 458. Did it amount to \$2,000?

Ans. I think it did.

X 459. More than that?

Ans. I think it did amount to more than that.

X 460. Where did the principal expense come in?

Ans. It came in in changing, making alterations and in the construction of the machine.

X 461. In what class of work?

Ans. In the iron-work, patterns, &c.

X 462. Do you know how much these amounted to, from June, 1882, to August, 1883?

Ans. I do not.

X 463. How does it happen that your machine, No. 2, is the only survivor of all the pail machines that were constructed in the years 1882 and 1883, for the Fibre Ware Company?

Ans. It was not in the Fibre Ware Company's Mills at the time of the fire.

X 464. Where was it?

Ans. At my home in Waterville, Me.

X 465. When was it carried there?

Ans. Some time in 1883.

Ans. I do not remember the exact time.

X 467. About what time?

Ans. I think it was in the fall; it might have been the winter.

X 468. What was your object in carrying this machine to your house?

Ans. I presume I wanted to take care of it.

X 469. Why did you want to take care of it at that time?

Ans. I think one thing that I wanted to take care of it for, was to defend myself against some designing men that wanted to wrest my hard earned patent from me.

X 470. Whom do refer to by the words "designing men," in your last answer?

Ans. I refer to that man right over there (pointing to Prof. Carmichael.)

X 471. Why did you use the words "designing *men*"? Prof. Carmichael is only one, if you meant him.

Ans. I do mean him. When he went home nettled, from the Fibre Ware Company's meeting, as I honestly believe, he was determined if he could get those men—some of them—to ring in with him, he would take my patent from me, that I worked so hard to get up. That is what I mean.

X 472. Do you mean the meeting of the stockholders of the Fibre Ware Company held Sept. 7, 1883?

Ans. I mean the meeting that he referred to in his examination, when he said he went home nettled.

X 473. Were you present at that meeting?

Ans. I was not.

X 474. How then did you know what was said by Prof. Carmichael at that time, with reference to your patent?

Ans. I didn't say that I did know what he said at that time.

X 475. If you did not know the statements made by Prof. Carmichael, at that meeting, and his claim to priority of invention of the machine embodied in your patent, why did you take measures to defend yourself against him at that time?

Ans. The first information that I got on that point was from Franklin J. Rollins, of Portland, in the fall, I think, of 1883.

X 476. What information did you get from him?

Ans. He spoke something about Carmichael claiming to have given me the idea of my invention. I supposed at that time it was a joke—he was laughing at that time. I did not pay much attention to it at that time.

X 477. In your last answer, I understood you to say, at first, the fall of 1882. Did you mean that this information from Mr. Rollins came to you at any time in 1882?

Ans. I did not.

X 478. When did you first learn that this claim of Prof. Carmichael was not a joke, and how did you learn it?

Ans. Some time during that year, 1883.

X 479. Don't you know when you first learned it?

Ans. I don't remember the exact day—nothing to fix the date by.

X 480. I don't ask the exact date—about what time?

Ans. It was in the fall of 1883—some time during the fall.

X 481. How did you learn that it was not a joke?

Ans. I learned from Charles B. Gardner, of Boston.

X 482. What did he tell you?

Ans. He told me that Carmichael had made some such statement.

X 483. "Some such statement" as what?

Ans. That he had given me some ideas—which he knew nothing about whatever, till I told him.

X 484. Did you learn of it from any other person?

Ans. I don't remember; I presume I did.

X 485. What was there in the communications made by Gardner and others, which made it more serious than when you considered it a joke?

Ans. I asked Mr. Gardner if there was any truth in that report, and he told me that there was, but that it didn't amount to anything, or words to that effect. He (Mr. Gardner) was there at the mill and saw me work my machines and experiment with them; and the reason that he made the remark, I suppose, "that it did not amount to anything," was that he knew that there was no truth in it whatever.

X 486. What was there that alarmed you when you heard that this report was true, if it did not amount to anything, as Mr. Gardner said?

Ans. I wasn't any alarmed whatever, and I haven't been since.

X 487. If you were preparing to defend yourself against Prof. Carmichael, why did you need to take this machine, Exhibit No. 2, out of the possession of the Fibre Ware Company and carry it to your own boarding-house?

Ans. That machine there, Exhibit No. 2, I had made in the month of June, 1882, to experiment with in different ways, and learn, with what knowledge and experience I had, everything that I could of the workings of liquid pulp. One idea that I had when I had that made, was the idea that I divulged in the month of May, 1882, to Joseph W. Libby, and I intended at my earliest opportunity to try that experiment, which I was satisfied that it was the right way to form hollow ware from wood fibre or other fibrous material.

[*Counsel for Carmichael moves that the whole of the above answer be stricken out as irresponsible and irrelevant, and requests the Examiner to repeat Int. 487.*]

X 488. [*Int. 487 repeated.*]

Ans. I carried it to my home where I lived at that time.

X 489. Will the Examiner please repeat Int. 487 with change of the word *boarding-house* to *home*?

[*Int. 487 so repeated*]

Ans. I did not know what was going to take place, and I took this machine from the mill and carried it over to my home in Waterville, Me.

X 490. What do you have reference to by the expression: "I did not know what was going to take place," in your last answer?

Ans. I understood that there was some reference made at a meeting in relation to my invention, and I didn't know what might take place; so I took this machine, Exhibit No. 2, and carried it home.

X 491. What was the reference made to your machine and by whom made, as you understood it?

Ans. In reference to some members of the Fibre Ware Company, who thought I ought not to have anything as I was in their employ—I think Mr. Gardner made reference to it.

X 492. When was that meeting held, or about what time?

Ans. Some time in the fall of 1883.

X 493. Was that the first you knew of this disposition on the part of the Fibre Ware Company?

Ans. It was not.

X 494. When did you first know that they entertained the views you have referred to?

Ans. In the spring of 1883.

X 495. As a matter of fact, at the time you removed this machine, Exhibit No. 2, out of the mill of the Fibre Ware Company, and took it to your own home, were you not then having trouble with the Fibre Ware Company, and had not said company, previous to said time, filed a Bill in Equity against you in Kennebec County, in this State, and obtained an injunction against your assigning that patent in question to any person?

Ans. They had filed a bill—

[*Question re-read by Examiner, without request.*]

They had filed a Bill in Equity. I was having trouble in regard to my patent.

X 496. Had or not an injunction been served on you, restraining you from assigning your patent to any person, before you removed machine, No. 2, from the mill of the Fibre Ware Company to your own home?

Ans. There had been, before I removed my Exhibit No. 2, to my own home.

X 497. Have you not previously stated to Mr. Asa J. Lyon and others, that you removed this machine from the mill to your home on account of your trouble with the Fibre Ware Company?

Ans. I think very likely I did. Carmichael, I supposed, was a member of that company.

X 498. Did Prof. Carmichael, to your knowledge, have anything to do with the bringing of that bill, or know anything of its contents, until the commencement of this examination?

Ans. I don't know that he did.

X 499. On what ground was the Fibre Ware Company proceeding against you at that time?

Ans. On the ground that I was in their employ, and using their money.

X 500. What pay did you receive from the Fibre Ware Company, as their superintendent?

Ans. Three dollars (\$3) a day.

[Adjourned to 2:30 P. M., same day.]

June 16, 1886, 2:30 P. M.

X 501. Did not said Fibre Ware Company, in their proceedings against you, claim that in consideration of your \$3 a day, you agreed to make such improvements as you could in

the processes for producing their ware; and that when completed, said improvements should become the sole and exclusive property of said company?

[Objected to—as immaterial to the issue and as not calling for the best evidence pertaining to the matter inquired of. Counsel for Bodge do not wish to interfere with the fullest cross-examination of this witness in anything pertaining to this issue.]

Ans. I believe that they claimed some such agreement; but I do not remember of ever making any agreement of that kind.

X 502. Did the officers of said company not further claim, that you had conducted your experiments in their mills, with their machinery, and at their expense, and that you were advised and aided by certain members of said corporation at various and frequent times, and repeatedly during said period of experiments and of perfecting said improvements?

[Same objection—as last, and further, as calling for parol evidence to prove matter of record.]

Ans. I think there was some such claim.

X 503. Did they not further charge you with violating your agreement with them and that the success of their business was imperiled by your refusal to assign to said company the patent issued to you, now in Interference?

[Same objection—and motion is made to strike the last question, as well as the two preceding ones, from the record, as foreign to the issue.]

Ans. I presume there was something of that sort.

X 504. Please state whether or not, substantially, the above claims were made by the officers of the said company, against you in the year 1883?

[Same objection and motion.]

Ans. My memory is that there was substantially such claims.

X 505. Did you make any answer to these charges?

Ans. I did, through my Attorney, Wm. H. Newell, of Lewiston, Maine.

X 506. Did Mr. Newell know what answer to make to the charges, except as you instructed him?

[*Same objection and motion.*]

Ans. I presume he did not.

X 507. Did you, at that time, admit or deny the charges of the officers of the Fibre Ware Company?

[*Same objection and motion.*]

Ans. I denied those charges.

X 508. Did you then claim that the experiments which you had been carrying on with reference to a pail machine, had been conducted at a merely nominal expense?

[*Same objection and motion.*]

Ans. I don't clearly remember how my Attorney worded those claims, but think very likely that that was so.

X 509. Did you also then claim that you had been carrying on said experiments without the consent of the Fibre Ware Company, or its officers?

[*Same objection and motion.*]

Ans. My Attorney wrote those claims that I made; but I do not distinctly recall the whole of them.

X 510. Did you also then claim that you had been carrying on said experiments, at times when not engaged in the employment of the Fibre Ware Company, in and about its mills?

[*Same objection and motion.*]

Ans. I think there was such a claim.

X 511. And did you also claim, that you had carried on such experiments without the use of the machinery of the Fibre Ware Company?

[*Same objection and motion.*]

Ans. I do not remember about that one. These claims were written out by my attorney, after my conversation with him,

and I was not present when it was done. I left the matter entirely in his hands, to make such answer as he saw fit.

X 512. Do you mean by that, that your attorney had any knowledge of these matters which concerned you personally, other than what you communicated to him?

[Same objection and motion; and a general objection and motion is now made to any further questions following out this line of cross-examination, as pertaining to matters of record regarding the question at issue between the Fibre Ware Company and the witness, as to the preliminary injunction.]

Ans. He did not have any knowledge except what I gave him, but worded his answer to suit himself, I suppose.

X 513. Do you mean by your last answer that your attorney did not put into proper language the statements you then made to him?

[Same objection.]

Ans. I mean by that he, being a lawyer, worded his answer as he saw fit to offset the claims of the Fibre Ware Company.

X 514. Do you mean to say, that your attorney did not correctly set forth your claims as you made them to him, in relation to the matters then in controversy with the Fibre Ware Company?

[Same objection.]

Ans. I do not remember what claims I set forth to him; but he made answer to the Fibre Ware Company claims, I think, as nearly correct as theirs were against me.

X 515. Were the claims you then made in answer to the Fibre Ware Company true?

[Same objection.]

Ans. I stated the case to my attorney at the time, substantially as it was. He, being a lawyer, made this answer to suit himself. I have forgotten the exact wording in his answer to the claims of the Fibre Ware Company.

X 516. How could your attorney make answers to matters of fact, within your knowledge and not within his, unless you instructed him what the facts were?

[*Same objection.*]

Ans. I told him at the time the facts as they were.

X 517. Did you instruct him as to the matters of your defense which I have already inquired of you in Ints. 508, 509, 510 and 511?

[*Said Ints. and Answers thereto, read to witness.*]

[*Same objection.*]

Ans. When I called to see my attorney, at Lewiston, Me., I told him the facts substantially as they were—put the matter in his hands to make such answer as he saw fit.

X 518. Were such claims as are embodied in the above Ints. 508–511, inclusive, if made in your defense to the suit of the Fibre Ware Company, true?

[*Same objection.*]

Ans. Substantially, they were.

Re-direct Examination by MR. LANGE.

R. D. 519. You have stated in your direct examination, that at the time you called on Dr. Jones, on the 11th day of July, 1882, and got the rubber he said he had purchased a short time before, and he let you have it at cost; and in your cross-examination, that you had obtained a duplicate bill of the same rubber as purchased by him, which bill you produced. Will you now introduce that bill as an exhibit?

Ans. I will and do.

[*Said bill is introduced and marked, "Bodge Exhibit No. 24, Jones' Bill for Rubber—A. H. D., Ex'r, June 17, 1886."*]

R. D. 520. You stated in your cross-examination, that you were absent from Waterville from the 19th to the 26th of July,

1882. Does that mean inclusive of both dates, and were you absent from Waterville all of each day?

Ans. It does not. I returned from Gorham to Waterville on the 21st day of July, leaving South Windham at half-past 12 P. M., arriving in Waterville at about 5 P. M. The 22d day of July, I left Waterville for Gorham about 2 P. M., arriving at South Windham about half-past 6, on the 22d.

R. D. 521. You have stated that you did not see Prof. Carmichael in Brunswick, except on the 6th and 11th days of July, 1882. Were you in Brunswick after the 26th day of July in that year?

Ans. I was.

R. D. 522. Did you see Mr. C. C. Hutchins in Brunswick, at any such visits after the 26th day of July, 1882?

Ans. I did.

R. D. 523. Since the commencement of these Interference proceedings, have you refreshed your memory concerning events or dates pertaining to your invention, or to the construction of machines embodying the same, which events or dates are subsequent to August 1, 1882?

[*Objected to—as leading.*]

Ans. I have not very much.

R. D. 524. To what events or dates have you given most of your time and attention?

Ans. To events and dates in the month of July, 1882.

R. D. 525. At the time you removed your machine, Exhibit No. 2, from the works of the Fibre Ware Company to your house, did you then know that Prof. Carmichael was a large stockholder in said company?

Ans. I did.

R. D. 526. (*De bene esse.*) Your attention was directed in the cross-examination, to the preliminary injunction served on you, under the suit of the Fibre Ware Company against you.

Will you please state whether that company pushed the suit against you to a hearing, or whether said suit was dropped?

Ans. It was not pushed against me.

R. D. 527. (*De bene esse.*) Before, during and subsequent to the suit brought against you by the Fibre Ware Company, in which a preliminary injunction was served upon you, was there or not considerable ill feeling between the members and officers of said company and yourself?

Ans. There was.

R. D. 528. (*De bene esse.*) Referring to the syndicate which took hold of the affairs of the Fibre Ware Company, will you please state whether you amicably adjusted matters pertaining to your invention with said syndicate or any of the parties thereto?

[*Objected to—as leading.*]

Ans. I did with Franklin J. Rollins, and others.

R. D. 529. Will you please state whether you are interested, directly or indirectly, in the Indurated Fibre Company, the assignee-owner of your Letters Patent now in Interference?

Ans. I am not.

R. D. 530. Other than as an inventor of the subject matter of this Interference, are you interested directly or indirectly in these Interference proceedings, or in the result that may come from them?

Ans. I am not.

Re-Cross-Examination by MR. LIBBY.

R. X 531. In the dates you have stated in your answer to Int. 280, as being absent from Waterville, are the first and last dates mentioned in each case, included in, or excluded from the number of days you were absent?

[*Objected to—as not proper re-cross-examination in present form of question.*]

[*Answer to Int. 280 read to witness.*]

[Adjourned to June 18,—9:30 A. M.]

JUNE 18, 1886, 9:30 A. M.

Ans. My memory is that I left Waterville on the 1st for Gorham and remained until the 3d day of July, 1882, about 5 P. M. I left Waterville on the 6th about 9 A. M.; stopped in Brunswick till the afternoon train; went from there to Gorham and remained there till the 10th; stopped at Brunswick the night of the 10th; left Brunswick for Waterville about half past 2 P. M. on the 11th; I left Waterville for Gorham on the 13th; I think I remained in Gorham till the 17th; left Waterville again on the 19th and remained in Gorham till the 21st; left Waterville on the 22d at 2 P. M. and remained in Gorham until the 26th.

R. X 532. How long does it take to go from Waterville to Brunswick, by train?

Ans. I should judge somewhere in the neighborhood of two hours.

R. X 533. How long from Waterville to Portland?

Ans. In the neighborhood of 3 hours—3½ perhaps.

R. X 534. How long from Waterville to South Gorham, or South Windham?

Ans. If you make close connection of the trains, somewhere about 4 hours.

R. X 535. Do you have to take another line of railroad, when you reach Portland, to go to South Gorham or South Windham?

Ans. We do.

R. X 536. In your answer to Int. 521, you state that you were in Brunswick, after the 26th day of July, in the year

1882. Please state what day or days you were in Brunswick, in 1882, after July 26th.

Ans. I cannot fix those dates.

R. X 537. Cannot you fix the month or months?

Ans. I presume I could by further search, but I cannot fix the dates now.

R. X 538. How many times were you there, after July 26th, in that year?

Ans. I remember of being there twice, and I think very likely I was there more than that.

R. X 539. Was the object of any of these visits to meet Prof. Carmichael?

Ans. I do not remember that they were.

R. X 540. Did you call upon Prof. Carmichael after July 26th, in that year?

Ans. I do not remember that I did.

R. X 541. You speak, in your answer to Int. 522, of seeing Mr. Hutchins in Brunswick after July 26, 1882. What time do you refer to, as having seen him?

Ans. I did not refer to either time; I may have seen him at both times I was there.

R. X 542. What do you mean by "both times"?

Ans. I mean both times that I was there. I remember of being there twice and I may have been there more than that—after July 26th.

R. X 543. Reference has been made to July 26, 1882. Do you mean that you were in Brunswick and saw either Prof. Carmichael or Mr. Hutchins, on July 26, 1882?

Ans. I do not mean that.

R. X 544. In your answer to Int. 527, you state that there was considerable ill-feeling between you and the members and officers of the Fibre Ware Company, before, during and subsequent to the suit brought against you, in which a preliminary

injunction was served upon you. Who were the officers of the Fibre Ware Company during the period referred to?

Ans. I think John T. Richards was the President of the Company; I think Franklin J. Rollins was the Treasurer; Charles D. Brown, H. J. Chisholm and others—I don't recall their names—were Directors.

R. X 545. In your answer to Int. 526, you say that the suit was not pushed against you. Will you please state whether or not the injunction was ever removed, or the suit discontinued until after you had assigned your patent to Mr. F. J. Rollins and his associates.

[*Objected to—as calling for parol evidence to prove a matter of record.*]

Ans. I do not remember that it was removed, till after I made an assignment of my patent to Franklin J. Rollins and his associates.

R. X 546. When did you cease to act as superintendent of the business of the Fibre Ware Company, or of its successor, the Indurated Company?

[*Objected to—not proper re-cross-examination.*]

Ans. I never had any notification from any of the officers of the Fibre Ware Company, that my services was not required. I haven't been employed by the Indurated Fibre Company since May—I think it was May—1885.

R. X 547. How did you happen to leave their employ?

[*Same objection.*]

Ans. I left their employ on my own free will and accord. They wanted me to superintend the buildings, making of the machinery, and starting new mills wherever they sold rights to manufacture. It would take me from my home most of the time, and I did not care about any such employment.

R. X 548. What is your present business?

Ans. Before this came up, I was repairing my house in Gorham, Me.

R. X 549. Since the case came up, how long have you been employed upon it?

Ans. I have not been employed at all upon it—I mean upon this case.

R. X 550. I notice that physically you are a large man. Will you kindly tell me your ordinary weight?

[*Same objection as before.*]

Ans. I think at present I weigh about 260 pounds.

JOSEPH G. BODGE.

[Adjourned to June 19, 1886, 9 A. M.]

JUNE 19, 1886, 9 A. M.

EDWARD C. O'BRION,

Being duly sworn, doth depose and say, in answer to interrogatories proposed to him by WILBUR F. LUNT, Esq., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation?

Ans. Edward C. O'Brion; 35 years; St. Albans, Vermont; General Railway News Agent.

2. Where were you living in the year 1882, from January until October?

Ans. In Deering, Me.

3. And where employed?

Ans. In the office of the Fibre Ware Company, Exchange St., Portland.

4. State whether or not in the summer of 1882, at the office of the Fibre Ware Company, in Portland, you saw any water pails made of wood pulp.

[*Objected to—as leading.*]

Ans. To the best of my recollection, I did.

5. Where were the works of the Fibre Ware Company at that time?

Ans. At Waterville, Me.

6. Where did the pails come from that you saw, or think you saw, as you have stated?

[*Objected to—unless calling for the personal knowledge of the witness.*]

Ans. To the best of my knowledge and belief, they came from Waterville. I didn't come with them.

7. In the month of October did you make any change in your place of residence and employment? And if so, state what.

Ans. I did. I went to Waterville on the 17th day of October, 1882, to take charge of the books, and to do the writing in the Fibre Ware Company's office there located.

8. How long did you remain there so employed?

Ans. Till the burning of the buildings in 1884.

9. What did you do at the works of the Fibre Ware Company during that time or any of it?

Ans. I kept the regular set of books, time-book, the account of ware that the men made, attended to the marking and the shipping of the goods, the general correspondence of the company, and the errands partially, and helped on the experiments with the pail machine and baby-jumper machine.

10. State whether the mill in which basins were manufactured—I mean that part of the works not including the Treatment-House—were in operation when you went to Waterville in October, 1882.

Ans. They were not.

11. For what reason, if you know, were operations suspended?

Ans. The men were at work on the Treatment-House, building the Treatment-House.

12. If the works were started after your arrival, when were they started up?

Ans. To the best of my knowledge they were started on November 30, 1882.

13. State whether or not, while you were keeping the books at the works in Waterville, any daily record of the work upon which the men were employed by the company at its works was kept by you.

Ans. There was a record of the time the men spent in forming, sandpapering and treating the wares; and a record of all the employment of the men in and about the mill, with the exception of Mr. Bodge's and my own time.

14. State whether or not after your arrival at the works in October, 1882, and during that month, you saw there any iron machine for the manufacture of pails from pulp.

Ans. To the best of my knowledge and belief, the iron pail machine was on the truck that was used in the mill, and setting in that portion of the mill used for packing and horse-shed and sand-papering departments; meaning some portion of that part of the building.

15. Was that machine afterward set up in the mill?

Ans. To my best knowledge and belief it was.

16. Previous to its being set up, state whether any work was performed for the purpose of setting the machine up in the proper position.

Ans. There was work performed for that purpose.

17. What work was performed, and who performed it, and when?

Ans. A frame was built to set the machine on; the work was done by O. C. Stevens, Nov. 25, 1882, Nov. 27, 1882, Nov. 28, 1882, and some work on the same frame by G. C. Stevens, Nov. 28, 1882.

18. Did you make entries upon those days of the work so performed?

Ans. I did.

19. What was the book called in which you made those entries?

Ans. I called it the time-book and report of goods made and work done by the men.

20. Will you please produce that book, that the Examiner may mark it to be used as an exhibit in this case, reference being made to the dates which you have already mentioned, and to dates hereafter to be referred to, when required?

Ans. I will. Here is the book.

[*Said book introduced and marked "Bodge Exhibit Fibre Ware Company Time Book, 1882 and 1883,—A. H. D., Ex'r, June 19, 1886."*]

21. State whether or not any record was kept of the specific work performed by yourself and by Mr. Bodge.

Ans. There was no such record kept—only Mr. Bodge's time as Superintendent. I wish to amend that by saying Mr. Bodge's time, as Superintendent, was not kept in *that* book.

22. When was the iron pail machine, to which you have referred, set up?

Ans. I shall have to look at the time book to refresh my memory. I see, by referring to the time-book, that O. C. Stevens worked on the pail machine Dec. 12, 1882; to the best of my knowledge and belief they were setting it up at that time.

23. After the machine was set up, state whether or not it was operated. And if so, who operated it?

Ans. To the best of my knowledge and belief, it was operated as soon as set up, by Mr. Bodge and some other of the men in the mill.

24. Were any pails produced on that machine?

Ans. There were.

25. State whether you were present when such pails were produced, and if so, when?

Ans. I was present at the mill, practically all the time during working hours, sometimes near or about the pail machine, and saw pails formed, to the best of my knowledge and belief, in December, 1882.

26. State whether or not you assisted Mr. Bodge in working that machine.

Ans. I did.

27. While you were so assisting him were pails made on that machine?

[*Objected to—as leading.*]

Ans. There were.

28. At what time did you first see pails made on that machine?

Ans. I cannot give the exact answer for that.

29. State as nearly as you can.

Ans. To the best of my knowledge and belief in December, 1882.

30. State whether or not after the first iron machine was operated any other iron machine or machines for making pails were built and operated at the works of the Fibre Ware Company in Waterville?

Ans. There was one new iron machine built and the old one was changed over and used also.

31. When was the old machine changed over and used?

Ans. I shall have to refer to the time-book. I find by referring to the book that C. G. Libby worked on the pail machine February 13, 1883. J. W. Libby worked on the same on the same date. O. C. Stevens on the pail machine February 14, 1883. February 15th, J. W. Libby worked on the pail machine. February 16th, J. W. Libby worked on the pail machine, March 16, 1883, also worked on the 19th; and Newel Hanson worked on the pail machine making a wire form for covering the former, so called, of the pail machine. J. W. Libby and Newel Hanson worked on the pail machine March 26, 1883.

Newell Hanson worked on the pail machine March 27th. J. W. Libby and Newell Hanson worked on the pail machine Wednesday, March 28, 1883. C. G. Libby worked on the pail machine March 29th. J. W. Libby and N. P. Hanson on pail machine March 30th. J. W. Libby worked on hoops a portion of March 30th, and N. P. Hanson worked on the wheel a portion of March 30th. J. W. Libby also worked on the following days a whole or a part of the time on pail-machines in April, 1883, namely :—the 2d, 3d, 4th, 5th, 6th, 7th, 9th, 17th, 19th, 20th, 27th. N. P. Hanson also worked on the following days, a whole or a part of the time, in April, 1883, on pail-machines, namely :—the 2d, 3d, 4th, 5th, 6th, 7th, 9th, 13th, 14th, 16th, 17th, 19th, 20th, 25th, 27th. On April 25 and 26, J. W. Libby worked on perforating pail die. By reference to the book I find that J. W. Libby worked on making pails May 1, 1883, and N. P. Hanson on the same day. On May 4, J. W. Libby and N. P. Hanson worked on No. 3 die and pail machine.

32. Can you state whether the machine was operated daily during the month of May, 1883, or whether you assisted Mr. Bodge during that month in operating it? If yea please do so.

[*Objected to—as leading.*]

Ans. To the best of my knowledge and belief it was not operated every day, and I assisted Mr. Bodge at different times in the month of May in forming pails on that machine.

33. Were any baby-jumpers formed on that machine?

Ans. To the best of my belief there were on that machine, using a different die or form.

34. Do you find on reference to the time-book that any pails were formed or that the machine was operated in the month of June, 1883?

Ans. I do; on June 12, 1883, N. P. Hanson's entry on time book is "making pails, &c."

35. When were the baby-jumpers made on that machine?

Ans. July 2, 1883, and July 3d, N. P. Hanson worked on pails and baby-jumpers, at forming them.

36. State what was done, if anything, to the pails and baby-jumpers so formed after they were removed from the machine.

Ans. Some of them were dried in the Treatment-House, sand-papered, chemically treated; some of the pails were hooped and set in the office for exhibition—public, others were left about the mill in different stages of completion.

37. State whether any other work was done on that pail-machine in the month of July, 1883, and if the same was operated, and if so by whom.

Ans. Perforating pail-form, &c., F. M. Hanson, July 3d, 4th, and 5th; 6th F. M. Hanson drilling pail-form; 7th F. M. Hanson drilling die, &c. F. M. Hanson drilling pail-form July 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th. July 23d, N. P. Hanson making rubber-bag for pail-machine, C. J. Libby making rubber-bag for pail-machine, &c. July 24th, N. P. Hanson rubber-bag for pail machine. July 27th, N. P. Hanson on pails &c.; 28th, N. P. Hanson on pails; July 30, N. P. Hanson on pails &c.; July 31, N. P. Hanson on pails, &c.

38. In the month of August, 1883, was that machine operated, and if so. when and by whom?

Ans. It was operated in August, 1883. August 8th, N. P. Hanson worked forming pails, &c.; August 13th, N. P. Hanson worked one-half day repairing and one-half day hooping pails; the pails had been treated that he hooped, with the exception of one or two, which he used as samples; August 15th, N. P. Hanson worked on pail machine, &c.; August 16th, N. P. Hanson and Frank H. Hanson worked on setting pail machine; on August 17th, N. P. and F. H. Hanson worked on pail machine. August 18th, N. P. Hanson worked on pail machine and F. H. on pail machine and mixing stock; on August 20th, N. P. and F. H. Hanson worked on pail machine and Frank Boynton on pail machine, &c.; 21st, N. P. Hanson, on pail

machine and pails ; August 22d, N. P. Hanson making pails, &c., and same on the 23d. Amos Low, on August 23d and 24th, worked on pails and packing ; on August 24th, N. P. Hanson worked on pails ; same on 27th and 29th of August ; same on 25th. Amos Low worked on pails and packing, 25th of August ; on pails the 27th, and on pails and packing the 28th and 29th ; August 30th, N. P. Hanson worked on gauze for pails ; on the 31st, on pails and machine ; N. P. Hanson also worked on pails the 28th of August.

39. Will you please continue and state what was done in the way of operating the pail machine and making pails at the works of the Fibre Ware Company in the month of September, 1883 ?

Ans. On Sept. 1st and 3d, N. P. Hanson worked on making pails, &c. ; Sept. 3d, Henry McCall worked on making pails, and in Treatment-House ; Sept. 4th, Henry McCall and N. P. Hanson, making pails, &c. ; 5th, N. P. Hanson on pails and forms ; 5th, Henry McCall sand-papering pails, &c. ; 5th, Frank Boynton sand-papering pails ; 6th, J. S. Light same ; 6th and 7th, N. P. Hanson on pails, &c. ; 7th and 8th, J. S. Light sand-papering pails ; N. P. Hanson on pails, &c., 8th ; N. P. Hanson on the 10th, on pails and pail machine ; J. S. Light sand-papering pails, 10th ; 11th, J. S. Light on pails and basins, and Henry McCall soaking pails, &c., and N. P. Hanson on pails and pail machine ; 12th, Frank Boynton making pails ; 12th and 13th, J. S. Light sand-papering pails, &c. ; 13th, N. P. Hanson hooping and pail machine ; 13th, Henry McCall treating pails, &c., and Frank Boynton making pails, &c. ; 14th, Frank Boynton on new pail machine, &c., and J. S. Light sand-papering pails, &c. ; 15th, J. S. Light sand-papering pails, and N. P. Hanson on new pail machine ; and F. Boynton on new pail machine on 15th and 17th ; J. S. Light and Henry McCall on pails and basins the 17th ; 18th, N. P. Hanson on pail machine ; 19th, N. P. Hanson painting pails, &c. ; 20th, N. P.

Hanson hooping pails, &c.; 21st, on pail machine, &c.; same on 22d, 24^h; N. P. Hanson on 25th, on pail machine and pails; on 26th, same; 27th, N. P. Hanson hooping pails; 28th, same hooping and painting pails; on the 28th, it should be 29th, hooping and fixing pails.

40. Will you please state what, if anything, was done at the works of the Fibre Ware Company or by men in their employ in the month of October, 1883, in operating the pail-machine upon which parts were made on May 1st. as you have stated, and in making pails and also in the building of a new pail-machine.

Ans. N. P. Hanson Oct. 1st on patterns &c., for new pail machine; Oct. 2d, 3d, 4th, 5th on pails, &c.; 6th, 8th and 9th, N. P. Hanson making patterns in Oakland, same on the 10th. N. P. Hanson on pails, &c., 11th, 12th, 13th, 15th, 16th, 17th and 18th; that is all to my knowledge.

41. Will you please state what was done by any employees of the Fibre Ware Company in the months of November and December, 1883, in the construction and operation of pail-machines and the making of pails.

Ans. Nov. 27th and 28th, 1883, N. P. Hanson worked on pail-machine, &c.; also worked on pail-machine the 29th of Nov., also on the 30th of November on the pail-machine, &c. December 1st, 3d, 4th, 5th, 6th, N. P. Hanson worked on pail-machine, &c.; Dec. 12th, A. J. Creamer and Chas. Butterfield worked on pails and repairs. Dec. 13th the same two on pails, &c.; the same on the 14th and 15th; on the 17th and 18th A. J. Creamer on pails and repairing building; on the 27th A. J. Creamer repairing pipes and on pails; A. J. Creamer making pails, &c., Dec. 28th, 29th, 30th and 31st. I will also state that during nearly all the time from the last of August, 1883, to the 31st of December, 1883, I assisted these different parties in making pails and work upon the pail machine.

42. Up to what time were the works of the Fibre Ware Company at Waterville, operated and run?

Ans. To the best of my belief, they practically stopped running the 31st of December, 1883.

43. How long did you remain in Waterville, after December, 1883?

Ans. To the best of my knowledge, it was the last week of March following, March, 1884.

44. Did anything happen to the mills while you were there?

Ans. They were completely burned.

45. When were they burned?

Ans. I shall have to refer to the letter-book.

46. Can you state how long after January 1, 1884, the fire occurred?

Ans. To the best of my knowledge it was between the first and fifteenth of March.

47. State if you know; whether any pails and other ware were taken from the works of the Fibre Ware Company and sent away, in the month of August, 1883?

Ans. During the latter part of August, 1883, I packed up pails in different stages of completion, baby-jumpers, and shipped them, or expressed them, to Portland.

48. To whom did you ship them?

Ans. To the Directors of the Fibre Ware Company.

49. Can you state whether or not, while the first iron machine was being operated in December, 1882, any persons visited the works and witnessed the operation of said machine?

Ans. To my best knowledge and belief there were.

50. Who were they?

Ans. My wife, Mrs. O'Brien; Mrs. Bodge, the Superintendent's wife; J. M. Wall. I don't think of any others now.

[Adjourned here at 12.30 P. M., to 2 P. M. of the same day.]

JUNE 19, 1886, 2 P. M.

51. When you shipped the pails and baby-jumpers to Portland, in August, 1883, to what place in Portland were they shipped?

Ans. To my best recollection they were shipped to Mr. Chisholm's Office, 48½ Exchange Street.

52. Calling your attention to Bodge Exhibit No. 2, wooden machine, do you know anything concerning the removal of that machine from the works of the Fibre Ware Company, in Waterville? If so, what?

Ans. I do. I helped Mr. Bodge take it down—or helped a man take it down and put it into a wagon and carry it over to his barn, or stable, on Mill Street, Waterville.

53. Take it down from where?

Ans. It was stored in the L part of the mill building—Fibre Ware Company's—up stairs, nearly over the sand-papering room.

54. When was this so removed?

Ans. To the best of my recollection, the latter part of September—or first part of October, 1883.

*Cross-Examination by C. F. LIBBY, ESQ., Counsel for
CARMICHAEL.*

X 55. How do you fix the date of the removal of this machine, Bodge Exhibit No. 2, from the mill to his barn?

Ans. By the fact that Mr. Bodge and I went a gunning a few times the latter part of September and October, and in my best recollection, it was during that time.

X 56. Do the two events connect themselves together in any way?

Ans. Just as a matter of recollection, as near as I can place the time.

X 57. For what reason was the machine removed by Mr. Bodge?

Ans. To protect himself—or to be used in testimony in regard to his claim of the patent for forming pails and hollow ware by this process.

X 58. Was there a suit then pending against him by the Fibre Ware Company, about this patent?

Ans. I don't remember any suit; but there was more or less talk in regard to the ownership of the patent.

X 59. Talk by whom?

Ans. By Mr. Bodge, and different members of the Fibre Ware Company.

X 60. Don't you know, that about the 1st of June, 1883, the Fibre Ware Company brought a Suit in Equity, in Kennebec County, in this State, and obtained an injunction against his assigning that patent?

[*Objected to—not matter opened on direct examination—irrelevant.*]

Ans. I do know now. I did not know the date of the suit until Mr. Libby told me by asking the question.

X 61. Do you now remember that Mr. Bodge was having trouble with the Fibre Ware Company, at this time, about his patent?

[*Same objection.*]

Ans. I do.

X 62. In your answer to Int. 42, you state that the works of the Fibre Ware Company “practically stopped running the 31st of December, 1883.” Will you state what brought the operations of the company to a close, and what their financial condition had been during the year 1883.

Ans. I think the stockholders were tired of putting in money, and receiving no returns. The state of their finances was varied; sometimes they had considerable money, at other times,

not much. At the wind up they didn't have enough to settle with me.

X 63. Have they ever settled with you?

Ans. Not in full—although I have had to give them a receipt.

X 64. Calling your attention to Bodge Exhibit Sectional Plunger, now standing by the side of Bodge Exhibit No. 2, will you state when and where you first saw that sectional plunger?

[*Objected to—as manifestly improper cross-examination—no allusion or inquiry having been made of this witness concerning that exhibit; that if the counsel for Carmichael inquires of this witness concerning Exhibit Sectional Plunger, he makes him his own witness.*]

[*Counsel for Carmichael respectfully claims that the answer to Int. 52 relates to this exhibit.*]

Ans. To my best recollection, I saw it stored with machine, Exhibit No. 2, in the loft of the L of the Fibre Ware Company's building, nearly over the sand-papering room, some time in the fall of 1882.

X 65. Was it removed by Mr. Bodge to his barn, at the same time that he removed Bodge Exhibit No. 2, as previously stated by you?

[*Same objection.*]

Ans. To my best recollection, it was.

X 66. Was this sectional plunger used with this machine No. 2, after you went to Waterville, Oct. 17, 1882?

[*Same objection.*]

Ans. It was not used in the mill at any time after I was there Oct. 17, 1882—never used in forming a pail, while I was in the mill.

X 67. In answer to Int. 4, where the words, "in the summer of 1882" were inserted in the question, you said that, to the best of your recollection, you saw some water pails made of

wood pulp in the office of the Fibre Ware Company, in Portland. Can you fix the time definitely when you first saw any pails, made at Waterville, in the office of the Fibre Ware Company at Portland?

Ans. I cannot, more definitely, than between the first of August, 1882, and the 17th day of October, 1882.

X 68. Do you know on what machine, or by what process, any pails that you saw at the office of the Fibre Ware Company at Portland, some time between August 1st and October 17, 1882, were made?

Ans. I do not.

X 69. When was the first pail made at the Fibre Ware Company's works, in Waterville, after you went there, October 17, 1882?

Ans. To the best of my recollection, it was shortly after December 12, 1882.

X 70. How many different machines for making pails were made for the company, in Waterville, after you went there October 17, 1882, up to the time that they practically ceased to do business, December 31, 1883?

Ans. Two entire machines, and forms and domes for different articles.

X 71. In your answer to Int. 40, you state that N. P. Hanson worked October 1, 1883, on patterns for a new pail machine. Which machine was referred to in your answer?

Ans. The last machine made for forming pails.

X 72. In your answer to Int. 31, you give the time of the workmen in changing over an old machine, commencing with February 13, 1883, and extending to May 4th of that year. What machine was changed over during that period referred to in your answer?

Ans. The first pail machine that I saw at the mill.

X 73. Was that an iron machine?

Ans. It was.

X 74. How long were the workmen engaged in changing over this machine?

Ans. I cannot remember that.

X 75. Calling your attention to your answer to Int. 31, state how many of the dates relate to such work.

Ans. The men would work on a machine a short time to perfect some small defect—set the machine up and try it. If it didn't work just right, take it down and make other changes.

X 76. And did this work that you have referred to in your last answer continue during the period from Feb. 13, 1883, to May 4, 1883, as stated in your answer to Int. 31?

Ans. I think it did.

X 77. In your answer to Int. 34, you say you find one entry in the time-book which relates to the making of pails in the month of June, 1883, under date of June 12, 1883: "N. P. Hanson, making pails, &c." What is the meaning of that entry?

Ans. It means that he made pails a portion of the day, and worked about the mill on odd jobs, too numerous to enter on the time-book.

X 78. Do you find any other entries relating to the making of pails, in June, 1883?

Ans. I do not.

X 79. From the time you went to Waterville, Oct. 17, 1882, up to the time the company practically ceased to do business, as stated by you, what wares, if any, were the company engaged in putting upon the market?

Ans. Wash basins.

X 80. Does this time-book marked "Bodge Exhibit Fibre Ware Company Time-Book, 1882 and 1883," contain a record of the manufacture of any other articles, made during that period, except wash basins?

Ans. It does; that portion of it covered by the time that I kept it.

X 81. I refer to the record kept under heading "No Articles Made," wherein are daily entries of the number of articles manufactured. Does the time-book contain any record, during the years 1882 and 1883, of the number of pails manufactured or attempted to be manufactured by the Fibre Ware Company?

Ans. It does not to my knowledge.

X 82. Had the Fibre Ware Company, up to the time it ceased to do business, put upon the market pails manufactured by them?

Ans. Not to my recollection.

Re-Direct Examination by MR. LUNT.

R. D. 83. Will you please refresh your recollection and state whether or not you can name any specific date when pails were made in any quantity at the works in Waterville?

[*Counsel for Carmichael objects to the above question unless it appears what book is handed to the witness by Counsel for Bodge, and unless the same is produced for inspection—a book having been handed the witness at the time of putting this last inquiry.*]

Ans. On August 31st, 1883, we made 24 to 26 good pails.

R. D. 84. Do you know whether or not any completed pails were sent away from the Company's works to different parts of the country, during the year 1883, besides those you have already mentioned as having been sent to the office of Mr. Chisholm? If so please state.

Ans. I sent pails to the Messrs. Russell, I think, to their Boston office. I sent pails to Mrs. Gardner, in Boston. I know of Mr. Bodge giving one to Conductor Jewett. I gave one to one conductor on the Maine Central Road, and there were several others given in Waterville to different parties.

R. D. 85. How many pails were treated, hooped and finished in 1883, prior to December?

Ans. I couldn't state exactly, nor approximately. I should think a hundred or more.

R. D. 86. Can you say, with certainty, whether or not any pails were sold by the company to any dealer or dealers in Waterville prior to December, 1883?

Ans. I cannot.

R. D. 87. Can you state what was done with the pails which were finished up at the mill, besides those which were disposed of as you have stated? If you can, please do so.

Ans. Mr. Bodge took away some, personally; sent away others. My impression is that Mr. Richards had some and some were burned in the building.

R. D. 88. (*De bene esse.*) Calling your attention to the iron hinged joints on the top of Bodge Exhibit Sectional Plunger, if you were shown a bill of Lyon, Bragg & Hubbard's for the making of that part of the plunger in the first part of the year 1883, would any doubts be raised in your mind as to whether that plunger was in its present condition when you first saw it?

[*Objected to—as no such bill is shown witness, and it is in the highest degree objectionable to put an hypothetical question to the witness which assumes facts not proved in evidence and asks the witness to answer upon an hypothesis which is not shown to exist.*]

Ans. I should say the bill wouldn't make any difference.

Re-Cross-Examination by MR. LIBBY.

R. X 89. What book was handed you by counsel for Bodge when you were asked to refresh your recollection, in answering Int. 83?

Ans. The Fibre Ware Letter Book No. 1.

R. X 80. Will you produce the book for inspection?

[*Counsel for Bodge here states that in several cases where books have been introduced, and particularly the time-book which has been produced and certain portions of it specifically referred to, counsel for Carmichael, as well as Carmichael himself, in*

gross disregard of the rights of the other party and contrary to rules of evidence and practice, have forthwith turned their attention to the inspection of other portions of the books, not referred to in any other way, and not relating to the question at issue or matters inquired of, and proceeded to make memorandums therefrom; and they therefore decline to permit the same liberties to be taken with the Letter Book of the Fibre Ware Company; and the witness cannot produce the book.]

[In view of the refusal of Counsel for Bodge to permit the other party to this Interference to inspect papers and documents which are put into the hands of the witness, to enable the latter to testify, Counsel for Carmichael requests the magistrate to note upon the record his protest against this gross violation of the legal rights of Prof. Carmichael and his counsel; and moves, in view of the same, that the evidence taken by counsel for Bodge, shall not be considered by the Patent Office until full opportunity has been furnished counsel for Carmichael to exercise his full legal rights of cross examination. He further calls attention to the fact, appearing upon this record, that Prof. Carmichael is one of the large stockholders of the Fibre Ware Company and of the Indurated Fibre Company; and as such, that he is entitled, under the laws of the State of Maine and the general laws of the land, to a full and free inspection of all papers, records, vouchers and documents of both of said corporations; and that he has repeatedly requested permission of the officers of the Fibre Ware Company to inspect such records, papers, vouchers and documents, to enable him to get at facts which bear upon the truth of the issues contained in this Interference; but that the same have been persistently and studiously withheld from him and kept in the possession of counsel for Bodge, who are acting in concert with the officers of said company; and that now a Letter-Book, which pertains to the business of the Fibre Ware Company during the very period involved in this controversy, and which it is fair to presume would disclose facts material to the presentation of this issue, and which has been used

to refresh the recollection of the witness now being examined on re-direct examination, is withheld from counsel for Carmichael, at a time when he wishes to cross-examine the witness upon the matters for which he has used the book for the purpose above mentioned; and in view of this flagrant disregard of his legal rights, he refuses to continue the cross-examination of this witness, and remits the matter to the Patent Office for the determination of his legal rights.

[Counsel calls attention to the provisions of the Revised Statutes of the State of Maine, as contained in §§ 10 and 19, of Chapter 46, of the revision of 1883. He requests further that the Examiner, who is the Clerk of the United States Circuit Court for this District, will, at his early convenience, forward so much of the record pertaining to this matter, as will bring the facts fully before the Patent Office for action.]

BY COUNSEL FOR BODGE.

[Counsel for Carmichael having concluded his testimony, Counsel for Bodge states: that the assertions made by Counsel for Carmichael are in all material parts, so far as the legal rights of his client are involved, erroneous and mistaken; that said Carmichael has never made any legal demand upon the proper officers of the Fibre Ware Company for the inspection of its books and papers in relation to any stock interest which he had in said Company, and none of his legal rights have ever been denied him. Counsel for Carmichael has persisted in an irregular and illegal examination of witnesses called in behalf of Bodge, in the absence of any tribunal which could authoritatively check him in so doing; that the witness would undoubtedly have the right to refresh his own memory from any books, papers or memoranda, without the same being made evidence, or subject to the inspection of the opposing Counsel, provided the witness testifies from his own memory without relying upon such documentary matter; that no notice has ever been served upon Counsel for Bodge to produce any documents or books relating to the affairs of the Fibre Ware Company, and Counsel further

state, upon information and belief, that no such notice has ever been served upon the officers of the Fibre Ware Company, or of the Indurated Fibre Compny.]

Ans. No sir.

EDWARD C. O'BRION.

[Adjourned here to Monday, June 21, 1886, 9:30 A. M.]

JUNE 22, 1886, 2 P. M.

It is agreed that the stipulation as to taking testimony entered into on this day and forwarded to the Patent Office, is not to be deemed or taken to be a waiver of the objections made by counsel for Carmichael on the 19th day of June, 1886, as to the alleged denial of his rights of cross-examination of the witness, Edward C. O'Brion, which objections it is understood will be insisted on and urged at the hearing.

CHARLES F. LIBBY,
Counsel for Carmichael.

JAS. H. LANGE,
W. F. LUNT,
Counsel for Bodge.

JUNE 21, 1886, 9:30 A. M.

WALTER S. DUNHAM,

Being duly sworn, doth depose and say in answer to interrogatories proposed to him by WILBUR F. LUNT, ESQ., of Counsel for BODGE, as follows, to wit:

Int. 1. What is your name, age, residence and occupation?

Ans. Walter S. Dunham ; 34 years ; Waterville, Me. ; hardware dealer.

2. In the months of June and July, 1882, where and by whom were you employed ?

Ans. Waterville, Me., by W. B. Arnold & Company.

3. What was the nature of your employment ?

Ans. I was employed in the hardware business—as salesman and book-keeper.

4. State what book you have before you ?

Ans. I have the Day-Book of W. B. Arnold & Company.

5. Covering what period of time ?

Ans. From Sept. 22, 1881, to Sept. 19, 1882.

5½. Will you please look under the date of the 12th of July, 1882, and state whether or not you find any entries there, made in your handwriting, relating to any business transaction with the firm of Lyon, Bragg & Hubbard ?

Ans. I do.

6. Upon what day were the entries or entry made, and what time in the day ?

Ans. Made on Wednesday, July 12, 1882—I should judge the latter part of the day.

7. Will you please read the entry or entries ?

[*Objected to—as incompetent.*]

Ans. Lyon, Bragg & Hubbard,

Dr.

13½ ft. 3 “ Belt, (June 22)

2.70

That is all.

8. What is the next entry on the book, at that date ?

Ans. Hubbard & Blake Mfg. Co.,

Cr.

By error in Belting, (June 22)

2.70

9. Will you please state the occasion of this last entry—or any circumstances connected with these charges ?

Ans. I can't state anything positively—evidently there was an error. It was charged to Hubbard & Blake Mnf. Company, and should have been charged to Lyon, Bragg & Hubbard.

10. Aside from the entries made upon this book, have you any personal recollection of the circumstances connected with the making of these entries ?

Ans. I have not.

[*To avoid objection to Int. 7, Counsel for Bodge introduces said Day Book, marked "Bodge Exhibit No. 25, Arnold & Co. Day Book—A. H. D., Ex'r, June 24, 1886."*]

[Cross-examination waived.]

WALTER S. DUNHAM.

[Adjourned at 10:30 A. M., to June 22, 1886, 9:30 A. M.]

JUNE 22, 1886, 9:30 A. M.

B. FRANK BROWN,

Having been duly sworn, doth depose and say in answer to interrogatories proposed to him by WILBUR F. LUNT, ESQ., of Counsel for BODGE, as follows, to wit :

Int. 1. What is your name, age, residence and occupation ?

Ans. B. Frank Brown ; 54 years ; Concord, N. H. ; Manufacturer of wood pulp.

2. State whether you know Franklin J. Rollins, of Portland, Me., and Henry Carmichael, of Brunswick, Me.

Ans. I do.

3. Where were you, at noon-time, on the seventh day of March, 1884 ?

Ans. At North Gorham, Me.

4. Did you leave North Gorham that day ?

Ans. I did.

5. Did you have any company with you ?

Ans. I did.

6. Who?

Ans. Franklin J. Rollins.

7. Where did you go from North Gorham, with Mr. Rollins?

Ans. I came to Portland and went to Brunswick.

8. Where did you take supper that day?

Ans. At Brunswick depot, in the restaurant.

9. After you had supper, where did you go and who was with you?

Ans. I went to Prof. Carmichael's house, in company with Franklin J. Rollins.

10. About what time was it when you arrived there at his house?

Ans. Somewhere about seven in the evening.

11. State whether you found Prof. Carmichael at home.

Ans. I did.

12. About what time did you leave Prof. Carmichael's house, at the time of your call with Mr. Rollins?

Ans. Near midnight.

13. State whether Prof. Carmichael was at home in the house during all the time of this call?

Ans. He was not.

14. State whether you and Mr. Rollins had any conversation with Prof. Carmichael, after your arrival, and before Prof. Carmichael absented himself.

[*Objected to—as leading—for the reason that it does not appear when Prof. Carmichael absented himself.*]

Ans. We did.

15. State what took place after your arrival at Prof. Carmichael's house, on the evening of the 7th of March, 1884.

Ans. We had a conversation with Prof. Carmichael in relation to the purchase of his indurating process. We had considerable talk in reference to price, and also in reference to

the merits of the process, and also in reference to organizing a company which should embody the patents of the Presumpscot Ware Company, and those of the Waterville Fibre Ware Company; also the patent of Joseph G. Bodge, and that of Prof. Carmichael; also the real estate and all the personal property belonging to the two first named companies; and also embodying cash to the value of \$25,000. We had some conversation about price to be paid to Mr. Bodge for his patent, but before we concluded the trade, Prof. Carmichael asked to be excused to deliver a lecture to his class at the college. I presume there was a good deal transpired that I shouldn't be able to remember.

16. What was said about the Bodge Patent?

Ans. Prof. Carmichael thought that the price that we named, which we had got to pay Mr. Bodge, was too high in proportion to what we thought his patent should go in at—as I had at that time a writing from Mr. Bodge agreeing to convey all of his interest in his patent for \$6,000. Mr. Carmichael also claimed that he gave Mr. Bodge some hints in reference to the way in which he was forming the goods, and showed us an envelope with some sketches on it, and remarked that he thought that Mr. Bodge took—well, I can't say whether a part of his ideas or—all of his ideas from the sketch he made, I suppose, on the envelope. Then Mr. Carmichael went out, as before stated, left Mr. Rollins and myself, and, in his absence, Mr. Rollins made a draft of a trade embodying substantially what I have before stated. In answer to what Prof. Carmichael had to say about the price of the Bodge patent, I told him it was the lowest price I had been able to obtain. Mr. Rollins and I had some conversation in Prof. Carmichael's absence in reference to what the Professor had to say about giving hints to Mr. Bodge—

[*Counsel for Carmichael objects to conversation between this witness and Mr. Rollins as incompetent.*]

[*Counsel for Bodge suggests to the witness that he need not*

state what the conversation was between himself and Mr. Rollins, but may go on and state what took place after Prof. Carmichael returned.]

I think they brought us in some ice cream and cake. Mr. Rollins asked Prof. Carmichael if he had made any experiments in his laboratory or elsewhere to demonstrate the practical working of his conceived invention. He said he had not. We consummated the trade afterwards.

17. What conceived invention was referred to?

Ans. We were talking, then, in reference to suggestions made to Mr. Bodge, in which the Professor claimed that it was his instead of Bodge's.

18. Do you remember the color of the envelope, and its size?

Ans. It was a buff envelope—I should say about a 9 inch envelope.

19. Did you notice the sketches?

Ans. I noticed in particular one sketch, more than the others.

20. Why?

Ans. From its being inverted, and drawn with colored lines—blue and red.

21. Have you seen that envelope since?

Ans. I don't recollect of seeing it.

22. Had you seen it before that time?

Ans. I don't recollect that I had.

23. How many times were you ever at Prof. Carmichael's house with Mr. Rollins?

Ans. But once, I think.

Cross-examination by CHARLES F. LIBBY, ESQ., *Counsel for*
CARMICHAEL.

X 24. By your last answer, do you mean that you are in doubt whether you were ever at Prof. Carmichael's house with

Mr. F. J. Rollins at any other time than on the 7th day of March, 1884?

Ans. No, I am quite positive that I never was.

X 25. What have you to fix this date by, aside from any conversations you may have had with any persons about it?

Ans. I have seen the contract dated on that date, with my name as a witness to that contract.

X 26. Was this the first time you had ever met Prof. Carmichael?

Ans. It was not.

X 27. When and where had you met him previously?

Ans. In Brunswick, at his house, on the first day of February, 1884.

X 28. Will you state the object of the visit last referred to?

[*Objected to—matter not inquired of in direct examination.*]

Ans. It was in reference to trading for his indurating process—or patent.

X 29. Who was with you?

[*Same objection.*]

Ans. Charles D. Brown.

X 30. At what time of the day was the visit made, and how long were you at the house of Prof. Carmichael during the interview last referred to?

[*Same objection.*]

Ans. I arrived there some time in the forenoon. I was several hours with the Professor—dined with him, I think, that day. We were not all of the time at the house, but a part of the time at his recitation room at the College.

X 31. Are you positive as to the date of the interview last referred to?

[*Same objection.*]

Ans. Quite so.

X 32. What makes you positive as to the date?

[*Same objection.*]

Ans. From the fact that I came from Waterville on that morning in company with Mr. Charles D. Brown—having been in conference with Mr. Bodge the previous evening, negotiating for his patent.

X 33. How does that fix the date as Feb. 1, 1884?

[*Same objection.*]

Ans. The papers drawn up by Col. Heath for Mr. Bodge to sign, were dated January 31st, and this was the following day.

X 34. Are those events, the signing of an agreement at Waterville, and seeing Prof. Carmichael afterwards, so associated that you cannot be mistaken?

[*Same objection.*]

Ans. It is putting it pretty strong—to put the question that I could not be mistaken, as there is a bare possibility that I might be mistaken; but I think I am correct, however.

X 35. Did you dine at Prof. Carmichael's on this day in February?

[*Same objection.*]

Ans. I am quite sure that was the day, that I did dine with him.

X 36. Who dined with you?

Ans. No one except Carmichael's family; there was a lady there whom I took to belong to the family. I supposed her to be Prof. Carmichael's wife's mother.

X 37. Did Prof. Carmichael, when you were there in February, talk with you about his having disclosed to Mr. Bodge the features of his patent?

[*Same objection—and irrelevant.*]

Ans. I don't remember.

X 38. Do you remember whether he then showed you the envelope on which he claimed to have drawn sketches of his invention, in the presence of Mr. Bodge?

[*Same objection.*]

Ans. I do not.

X 39. In your answer to Int. 16, you say Prof. Carmichael "showed us an envelope with some sketches upon it, and remarked that he thought Mr. Bodge took—well, I can't say whether a part of his ideas, or all of his ideas, from the sketch he made, I suppose, on the envelope." The form of your answer is such that I don't get clearly from you what the claim of Prof. Carmichael at that time was, or why you used the words "I suppose." Will you state clearly what you meant to say in that answer?

Ans. That I supposed Prof. Carmichael meant that Mr. Bodge took his ideas from the sketches on the envelope.

X 40. What did Prof. Carmichael then claim to you about the envelope and his disclosure to Mr. Bodge?

Ans. He claimed, as I said before, that he made the sketches to show Mr. Bodge.

X 41. To show him what?

Ans. I suppose his method for constructing machinery.

X 42. Machinery to make what?

Ans. Making hollow ware from wood pulp.

X 43. In your answer to Int. 17, you say, "We were talking then in reference to suggestions made to Mr. Bodge, in which the Professor claimed that *it* was his instead of Bodge's. I don't clearly understand by your answer what you mean by the words "*in which*" and the word "*it*." Will you please explain your meaning?

Ans. I meant by the word *it*, the invention which we were purchasing from Mr. Bodge.

X 44. By the words "in which," what do you refer to; the *conversation* between you and Mr. Rollins and Prof. Carmichael, at his house, or to the word *suggestions*, as the grammatical structure of the sentence would indicate?

Ans. I mean, in the *conversation* in which he was talking with us.

X 45. In this same answer to Int. 16, you say that in Prof. Carmichael's absence, "Mr. Rollins made a draft of a trade, embodying substantially what I have before stated." What do you mean that the contract embodied of your previous statements?

Ans. Substantially what Prof. Carmichael signed. It was a rough draft from which Prof. Carmichael copied in part, although Mr. Rollins named in the rough draft a different sum from what we had been talking about, hoping that the Professor would consent to a little lower price.

X 46. What previous statements of yours as to this contract do you mean were embodied in it, by the language I have quoted?

Ans. Those in this contract (pointing to agreement of March 7, 1884).

[Adjourned to June 23, 9:30 A. M.]

JUNE 23, 1886, 10 A. M.

X 47. Have you given all of the conversation you had with Prof. Carmichael relating to the envelope he showed you having on it sketches which he claimed he made for Mr. Bodge?

Ans. Probably not; but I could not remember it all in detail, perhaps. We had a good deal to say in reference to the different sketches which were on the envelope.

X 48. After hearing the claim of Prof. Carmichael as to the ideas he had communicated to Mr. Bodge, and his statements as to the sketches on the envelope, by which he claimed to have shown Mr. Bodge the working of his device, did you make any suggestions to him as to what should be done with the envelope?

Ans. I don't recollect that I did.

X 49. Did you suggest to him that he better tear the envelope up or destroy it in any manner?

Ans. I have no recollection of any suggestion of that kind.

X 50. You have made reference to a new company that you were interested in organizing, which was to succeed to the patents and rights and business of the Fibre Ware Company. Was that new company the present Indurated Fibre Company?

Ans. That was the contemplated company.

X 51. How early was that company organized?

Ans. I am not able to state; but it is a matter of record, which could be easily found out.

X 52. Had the agreement of association been entered into prior to March 7, 1884?

Ans. Not fully, but generally mapped out.

X 53. How early had you become interested in any way in the matters of the Fibre Ware Company?

Ans. I was never interested in that company, only in the purchase of their franchise for this new contemplated company.

X 54. When did you first hear of this claim of Prof. Carmichael, that he was the real inventor of the device patented by Mr. Bodge for forming articles of hollow ware from pulp?

Ans. I don't recollect.

X 55. Had you heard of it before you met Prof. Carmichael in Brunswick?

Ans. I don't recollect that I had.

X 56. What did you understand his purpose was in making known to you his claim to the Bodge patent, and in showing to you this envelope?

Ans. I supposed he had an idea of claiming the invention as his own; but I did not consider that he was much in earnest when he became a party to the purchase of the Bodge patent.

X 57. Did Prof. Carmichael personally have anything to do with the purchase of the Bodge patent?

Ans. When he agreed to accept \$8,000 of the stock of the

contemplated new company in part payment for his indurating process, he understood that \$6,000 was to be paid for Mr. Bodge's patent. I considered that by that act he did have a personal interest.

X 58. My question is whether he had anything personally to do with the purchase of the Bodge patent, not whether he accepted stock, which gave him a personal interest in the future success of that patent. Will you therefore answer the question as I have addressed it to you?

Ans. Indirectly he did, as the purchase of the Bodge patent would not have been consummated as it was without that action of his.

X 59. Had you not already consummated your agreement for the purchase of the Bodge patent, before you first saw Prof. Carmichael in February, 1884?

Ans. I think not fully.

X 60. I understood you to say in answer to Int. 33, that the papers were dated January 31, 1884. Is that correct?

Ans. That was an agreement on the part of Mr. Bodge, and not a full settlement of the matter as I recollect it.

X 61. Have you that agreement now; and if so, will you produce it?

Ans. I haven't it, in person. I will obtain it. [*Agreement produced and handed to counsel for Carmichael.*] This is it.

X 62. Will you have a copy of this document, consisting of three pages, made by the Examiner, to form a part of your deposition?

Ans. I will.

[*Said copy of agreement introduced and marked: "Bodge Exhibit No. 26, Agreement of January 31, 1884,—A. H. D., Ex'r, June 23, 1886."*]

X 63. Whatever personal or pecuniary interest Prof. Carmichael had, at the time he signed the agreement of March 7, 1884, in the success of the Bodge patent, by reason of being a

large stockholder in the Indurated Fibre Company, he has that same interest to-day, has he not ?

Ans. So far as I know.

[Adjourned to 2 P. M., same day.]

JUNE 23, 1886, 2 P. M.

X 64. Do you not know from communication with Prof. Carmichael, or otherwise, that the object he has in view in these Interference proceedings is, to vindicate the truthfulness of the charges that he has constantly made, that Mr. Bodge obtained from him the ideas embodied in his patent; and that in so doing he is necessarily acting to his own pecuniary disadvantage ?

[*Objected to—irrelevant, calling for the opinion of witness on matter not inquired of on direct examination.*]

Ans. It would seem so from recent communications with Prof. Carmichael.

B. FRANK BROWN.

[Adjourned to June 25, 1886, 10 A. M.]

June 25, 1886, 10 A. M.

NEWEL P. HANSON,

Being duly sworn, doth depose and say in answer to interrogatories proposed to him by JAMES H. LANGE, ESQ., of Counsel for BODGE, as follows, to wit :

Int. 1. What is your name, age, residence and occupation ?

Ans. Newel P. Hanson; 50 years; Waterville, Me.; Carriage-maker.

2. Where did you reside in the year 1882, and what was your occupation in the early part of said year?

Ans. In the spring of 1882, I lived in Windham and worked at Great Falls, Gorham, Me.

3. At what place in Great Falls?

Ans. The village where the pulp-mills now are—where they make this hollow ware at the present time.

4. What was the nature of your work in the spring of 1882 at Great Falls, and for whom did you work?

Ans. At the first of my working there, I worked at carpenter work; and a good deal of the time, shortly after I went there, I worked in the black-smith's shop. As I understand it I was working under Mr. J. G. Bodge for the Presumpscot Pulp Ware Company.

5. What articles, if any, were made at the Presumpscot Pulp Ware Company; and what machines, if any, were employed in the production of such articles, at the time you were at work there in the spring of 1882?

Ans. Pails were made there. They used for forming the pails what they called a suction process.

6. Whose machines were employed in the formation of pails by the Presumpscot Pulp Ware Company, in the spring of 1882?

Ans. I understood it to be Chase's patent.

7. Do you know the full name of Mr. Chase, whose machine you refer to?

Ans. William Chase, as I understand it.

8. When did you leave the employ of the Presumpscot Pulp Ware Company, after working for said company in the spring of 1882, under Mr. J. G. Bodge?

Ans. I can't fix any date, but I think it must be in the early part of May, 1882.

9. After leaving said employ, when next did you see Mr. J. G. Bodge?

Ans. I think some time in June—the next June after leaving Great Falls in May.

10. Where did you see him?

Ans. I saw him in Gorham, in the street near my house.

11. How long did you see him at this time, and what, if anything, did you do?

Ans. At this present time I should think I might have seen him a half an hour. He talked with me about his being at Waterville; wanted to know if I wouldn't go down there to work for him, if he should want me to; asked me if I could run an engine-lathe; said that he was experimenting on pails; and thought that I understood his ideas pretty well, and thought I would be just the man that he wanted. He said that he wanted to see Mr. Fogg, and wanted to know if I had a team that I could carry him up to Mr. Fogg's that afternoon. I told him I had, and did so—carried him up the same afternoon. That was the result of our conversation at the present time.

12. If you had any conversation with Mr. Bodge when you took him up to see Mr. Fogg in the afternoon, or during the trip, will you please relate what was said?

Ans. He inquired of me what Chase's folks were doing and how they were working their pails. I told him they were making a few pretty good pails, I thought; was pressing them with hydraulic pressure, with a rubber bag, from the inside, and they was having very poor success in pressing. He made the remark that they were working on the wrong principle; says, if ever there was a good pail made, it would have to be pressed—would have to be formed and pressed from the outside. He says: That is the principle that I am experimenting on now. He asked me at the same time if I considered myself much of an inventor. I told him that I never had had much practice in inventing; thought I should do better by working as a mechanic from somebody's else ideas.

13. At the time of this conversation, did you understand how pails were pressed in the Chase process?

Ans. I think I did.

14. Please describe how they were pressed.

Ans. They had what they called a hydraulic press. It had a hollow casting lined with perforated brass. Also the perforated brass was lined with wire gauze. The pail was set inside of this cast-iron form that I have just described. This former swung round under the hydraulic press. The press was closed; a rubber bag let down inside of the pail. This bag was filled with water from a pump to expand the bag in order to press the pail.

15. In your last answer you say: "The pail was set inside of this cast-iron form." Will you please state whether or not said pail was made or formed on that press?

Ans. It was not formed on that press.

16. Please describe the machine on which it or a like pail was formed by the Chase process, if you know.

Ans. There was a white iron—I might call it a case—in the first place, that would hold five or eight gallons. There was another cast iron former, I think they called it, lined with wire gauze. They set this inside of the white iron case that I spoke of. They let the stock in from a tank overhead and started their suction pump. While the suction pump was sucking the water from the pulp, they had a sort of a bucket like, with a valve in the bottom, they would sink into the inside of this former. As I understood it, this was to take out the surplus stock that they found—if they found that they had let in a little too much.

17. After this conversation with Joseph G. Bodge, at the time that you drove him over to see Mr. Fogg, as stated by you, did you enter the employ of the Fibre Ware Company, at Waterville, Me.? And if yea, state when.

Ans. I did, the 15th of February, 1883.

18. Did you see Mr. Bodge, to converse with him, at any time after your conversation with him in June, as previously stated by you, and prior to entering the employ of the Fibre Ware Company, on the 15th of February, 1883?

Ans. I saw him, but I didn't converse with him.

19. How many times did you see him within the period mentioned?

Ans. Once.

20. Where?

Ans. At Gorham.

21. Under what circumstances?

Ans. He was home, I think, to attend the funeral of his son.

22. State the nature of your work at the Fibre Ware Company, after entering its employ, Feb. 15, 1883.

Ans. The first that I done was to sheathe up a dry-house in the dip-shop, for drying of basins. After finishing that, I went to work on the pail machine.

23. How long, after entering the employ of the Fibre Ware Company, was it that you first began to work on the pail machine?

Ans. As near as I can recollect, from four to six weeks.

24. Of what material was this machine you refer to, constructed?

Ans. Cast-iron.

25. Please describe the construction of that machine, referring by name to the principal or essential parts of said machine.

Ans. It had a cast-iron flat top—what we call a dome. It had what we call a perforated former. This perforated former was covered with wire gauze. Inside of the dome they had a moulded rubber bag—or we used a rubber bag. This perforated former raised up inside of the rubber bag. It had what we call a stock ring, that we let the stock into the machine between the bag and former; and then we put on a pressure—water

pressure—outside of the rubber bag between the dome and bag, to press the water from the pulp to form the pail.

26. State whether or not you were ever employed in operating said machine to form pails?

Ans. I was.

27. State the condition of the pails which you first formed on this machine?

Ans. The first few pails wasn't perfect pails; after a few days experimenting we made some very good pails, that we finished up.

28. State, as near as you can, how long after you entered the employ of the Fibre Ware Company, you made good pails upon this machine.

Ans. It might have been in the neighborhood of two months.

29. Previous to this machine, do you know whether any other iron machine for making pails had been set up or used at the works of the Fibre Ware Company?

Ans. All I know about it is, I heard them speaking of another machine that they had tried.

[*Objected to—as hearsay, and motion to strike out made.*]

30. Referring to the machine which you employed or operated in making pails, will you please state whether or not, at any time, you were regularly employed on said machine in making pails?

[*Objected to—as leading.*]

Ans. I was, with the exception of occasionally I had to be taken off to do some little repairs about the mill.

31. What was the condition of these pails made on said machine, while you were regularly employed in operating said machine?

Ans. The most of them were good pails.

32. State, if you can, the number of pails you made upon

this machine in any one day, when it was being regularly operated by you.

Ans. The best day's work that I can call to mind was from 35 to 40 pails, I should judge.

33. State, if you can, when you quit work on this machine.

Ans. We never abandoned it entirely ; but I left that machine, as nigh as I can recollect, some time in August, 1883.

34. After you left the machine referred to, in August, 1883, what next did you do ?

Ans. I went to work setting up what we called the New Machine.

35. State, if you can, when this new machine was set up, and who were employed in setting it up.

Ans. We set it up some time in August, 1883, I think. I was employed on it and my son, Frank M. Hanson. We was all the regular hands, you might say. There was a young fellow by the name of Boynton that would help us off and on, as we needed extra help.

36. I show you photographs Exhibits Nos. 4 and 5. Will you please state, if you know, what they represent ?

Ans. They represent what we called the New Machine.

37. Do you know who are the persons represented in said photographs ? And if yea, state the names.

Ans. Myself, Newel P. Hanson, and Joseph G. Bodge.

38. When were the photographs taken ?

Ans. In a very few days, I think, after we got so we could operate the machine.

39. What month and year was that, if you can state ?

Ans. The same year, but I couldn't state positive what month.

40. How long after the machine was set up ?

Ans. I should say 3 or 4 days.

41. Will you please state whether in your answers to Ints.

34 and 36 you refer to one and the same machine, by the words "New Machine," or to different machines?

Ans. I refer to *one* machine, when I speak of the New Machine.

42. Did you operate the New Machine, represented in photographs, Exhibits Nos. 4 and 5, before said photographs were taken?

Ans. I am very positive that we did—very certain of it.

43. Upon what machine was made the pail illustrated in the foreground of the photographs, Exhibits Nos. 4 and 5?

Ans. The pail, without being hooped, was made on the New Machine, as we called it.

44. Calling your attention to the hooped and bailed pail, which is shown in the photograph, Exhibit No. 4, will you please state upon what machine said pail was made?

Ans. Upon what we called the Old Machine, the first machine that I operated.

45. After the New Machine, represented in photographs, Exhibits Nos. 4 and 5, was set up and put in condition to be operated, were you employed in operating said machine in the formation of pails?

Ans. I was.

46. After said machine was set up, were you also employed in hooping pails made on said machine?

Ans. I was.

47. State the highest number of pails, in any one lot, that you so hooped.

Ans. It might have been 200.

48. How many pails in all, which were made on the New Machine, did you hoop?

Ans. I couldn't state positively.

49. State approximately, or as near as you can.

Ans. It might have been 50.

50. When did you leave the employ of the Fibre Ware Company at Waterville?

Ans. The 1st of December, 1883.

51. Will you please state, as near as you can, the total number of pails made on the New Machine, which pails you hooped before leaving said employ?

Ans. Possibly there might have been 50 of them.

52. How many pails, made on the Old Machine did you hoop?

Ans. I should judge there might have been between two and three hundred.

53. I ask the Examiner to read to you questions and answers 45, 46 and 47; and then ask you to state what you mean or intend to convey by your answer to Int. 47.

[*Said Ints. and answers read.*]

Ans. I mean by that—that as nigh as I can recollect, there were about 200 of them.

54. Were the various pails that you hooped, all treated and bailed ready for use or sale?

[*Objected to—as leading.*]

Ans. All that I hooped was treated and bailed—with the exception of one or two that I hooped out of curiosity without being treated.

55. State whether or not you ever employed or put to use any of these pails that you hooped.

Ans. I did.

56. Where?

Ans. I had two myself that I used. I brought two to Windham—gave one to my brother and one to my sister.

57. Where did you use the two that you had—referred to in you last answer?

Ans. In and about my house, at Waterville.

58. When did you first put them to use?

Ans. I couldn't state positively.

59. State as near as you can.

Ans. It might have been three months after I went to Waterville.

60. Can you state when you gave the pails to your brother and sister ?

Ans. I can't positively.

61. State approximately, or as near as you can, without attempting to fix the exact date.

Ans. I should think it might have been the 1st of August, 1883.

62. What has become of the two pails that you used at your house at Waterville ?

Ans. One of them I can't seem give any account of—the other one got a piece broke out of the top. I sawed it off and put on some ears—some little rings on the side ; used it for a while for a keeler for washing dishes ; afterwards we used it for a coal-hod. I think it is in existence now, around the woodshed.

63. How long was the pail last referred to used as a pail, before the piece was broken out of the top ?

Ans. I should think a year or more.

[Adjourned to 2:30 P. M., same day.]

JUNE 25, 1886, 2:30 P. M.

Cross-Examination by CHARLES F. LIBBY, ESQ., *Counsel for*
CARMICHAEL.

X 64. In your answer to Int. 48, you state, in substance, that you may have hooped in all 50 pails, which were made on the New Machine ; and in your answer to Int. 47, you say, in substance, that you may have hooped 200 in one lot made by said machine. How do you reconcile those statements ?

Ans. I didn't understand that this one lot referred to one

machine. I understood it that it referred to the greatest number of pails that I hooped at one time, not referring to any particular machine.

X 65. How many completed pails, in good order, are you willing to testify were made on all the machines in use at the works of the Fibre Ware Company in Waterville, when you were in their employ in 1883?

Ans. I can't state positively that any certain number; but should think that there might be perhaps 300 in all.

X 66. I am asking about completed pails in good order. Does your last answer refer to such pails?

Ans. We considered them in good order—that was what I was referring to in the pails that we hooped.

X 67. During any time that you were in the employ of the Fibre Ware Company in the year 1883, had the making of pails for the market become any part of the regular business of said company?

Ans. I don't know of their selling any pails, if that will answer your question.

X 68. What were they engaged in making and putting on the market?

[*Objected to—not referring to any matters inquired of in direct examination.*]

Ans. Wash basins.

X 69. In your answer to Int. 30, which in a leading form asked if you were at any time *regularly* employed in making pails, on the first iron machine you described, you say you were. What do you mean in that answer by being *regularly* employed, and for how long a time?

Ans. I couldn't state for how long a time, positively. I mean that I was to work on the machine the most of the time for some while—with the exception of occasionally I would be called off to do some small repairs about the mill.

X 70. How long a time would it take, on an average, to make a pail on that machine?

Ans. I timed myself several times. I should say it might have taken, on an average, 15 minutes.

X 71. Wouldn't it take more time than that?

Ans. Sometimes it would take more time—sometimes less, as near as I can remember.

X 72. Isn't 15 minutes about the shortest time in which a pail can be made on the best machine?

Ans. I couldn't say.

X 73. In how much shorter time than 15 minutes did you ever make a good pail, on the machine referred to?

Ans. I couldn't say, positively.

X 74. In your answer to Int. 9, you say that you *think* you saw Mr. J. G. Bodge some time in June, 1882, and had a conversation with him. How positive are you that that was in June and not in July?

Ans. In our conversation, he spoke of that he might be home again to look after his haying; and another thing, his son died soon after my talking with him, and I am quite positive that that was some time in July.

X 75. How long after your talk with him did his son die?

Ans. I have no way of stating that positively.

X 76. In your answer to Int. 74, you say, "soon after." Can't you tell me how long a time you mean by "soon after" in that answer?

Ans. It might have been a few weeks.

X 77. Is that the nearest you can fix it?

Ans. It is.

X 78. How does the reference to haying fix it as being in June? Does not haying in this State often take place even in August?

Ans. What I meant by my answer was the way I under-

stand the commencement of haying, somewhere about the 1st of July.

X 79. Do you know at what time Mr. Bodge cut his hay in the year 1882?

Ans. I do not.

X 80. In that conversation which you have referred to with Mr. Bodge, did he tell you that he was experimenting on a plunger machine?

Ans. I have no recollection of his speaking of any particular machine.

X 81. Did he ever tell you from whom he got the idea of the rubber bag, which he afterwards used on the iron machine?

[*Objected to—as referring to a matter not inquired of in the direct examination.*]

Ans. Yes, he spoke of a rubber bag that we was experimenting with. He spoke of a rubber bag that we was using on the iron machine being Carmichael and Smith's idea.

X 82. When was this?

[*Same objection, and motion made to strike from the record.*]

Ans. I couldn't state positively, when it was.

X 83. Didn't he state to you that he got the idea of the rubber bag from Prof. Carmichael?

[*Same objection and motion.*]

Ans. I understood him as speaking of this bag that we was using—this bag that we was using was their idea of such a bag as that—I mean referring to that particular bag.

X 84. What do you mean by that particular bag, in your last answer?

[*Same objection and motion.*]

Ans. Well, I mean this: as near as I can remember the words, he says, "this bag was Carmichael's and Smith's idea and ain't worth a damn."

X 85. Didn't you tell Prof. Carmichael last spring, in

Waterville, that Mr. Bodge told you one day in 1883, that he had got the idea of the rubber bag from Carmichael?

[*Same objection and motion.*]

Ans. I told Mr. Carmichael about this rubber bag somewhere as near as I can recollect, as I have stated it before. I remember of his laughing when I put on the *damn*.

X 86. [*Question repeated.*]

Ans. I have answered that to the best of my remembrance—to the best of my recollections.

[*Same objection and motion.*]

X 87. When you told Prof. Carmichael last spring in Waterville about Mr. Bodge's saying that he got the idea of a rubber bag of him, Carmichael, did you say anything to Prof. Carmichael at that time about Mr. Smith's name being coupled with his by Mr. Bodge?

[*Same objection and motion; and the question is further objected to as a misstatement of the previous testimony of the witness under objection.*]

Ans. I don't recollect of using Mr. Smith's name at that time.

X 88. Subsequently to this conversation with Prof. Carmichael, last spring, when you told him about what Mr. Bodge had said to you, as to where he got the idea of the rubber bag, did Prof. Carmichael call to see you again at Waterville?

[*Same objection and motion.*]

Ans. He did.

X 89. Did you then refuse to talk with him about the matters in controversy in this Interference?

[*Same objection and motion.*]

Ans. I did not strictly refuse. I told him, as near as I can recollect, that I had got tired of being—I think I said—*drummed* on this subject. When I was called on, if I was at all, I would state the thing as near as I could recollect, let

it benefit either parties. I think that was the objection that I made—as near as I can remember it, any way.

X 90. Who had tired or “drummed” you on this subject?

[*Same objection and motion.*]

Ans. I think it would be hard work for me to remember all.

X 91. State those you can remember.

[*Same objection and motion.*]

Ans. Well, Mr. Carmichael had talked with me about it before. Mr. Bodge, Mr. Bates Mr. Jerry Furbush, Orel Stevens, Mr. Williams—well, I suppose I could set here and name over some little time, if it was necessary.

X 92. If there are any others, you may name them.

[*Same objection and motion*]

Ans. Thomas Smart talked with me about it. Mr. Henry Wilbur, and I presume there were some others, but I don't seem to bring their names to mind at the present time.

X 93. How many times had you talked with Mr. S. W. Bates about this matter, before you came here to give this deposition?

Ans. I couldn't say positively how many times. After knowing of this case, and being well acquainted with Mr. Bates, and he and his brother boarding a horse at my son's stable, I would very often, when I saw him come to the stable, go out and ask him how he was getting along, &c.

X 94. Which side of the controversy did you understand Mr. Bates represented—Bodge or Carmichael?

Ans. I understood that he was representing the company.

X 95. What company?

Ans. The Indurated Fibre Company.

X 96. Had Prof. Carmichael talked with you more than once, up to the time that you refused to talk with him further about it?

Ans. As I recollect it, he had.

X 97. How many times ?

Ans. I couldn't say positive—I think it might have been twice. I remember of his calling at the shop once and introduced himself to me ; that was the first time I ever saw him, to know him. I recollect once afterwards of Mr. Peterson calling me ; he said Mr. Carmichael would like to see me. Those are the only times I can state positively before the last time spoken of.

[Adjourned here, 4:30 P. M., to June 28, 1886, 12 M.]

JUNE 28, 1886, 12 M.

X 98. Up to the time of this last call of Prof. Carmichael upon you, when you refused to talk with him about the matter in controversy, had you not, prior to that time, talked with him freely and voluntarily about the same matter ?

[*Same objection and motion.*]

Ans. I had talked with him several times, and made the remark that there were some questions that he asked that I did not feel free to answer ; other questions I answered to the best of my recollection.

X 99. What questions did he ask that you did not feel free to answer ?

[*Same objection and motion.*]

Ans. As I understood the question, he was referring to Mr. Bodge's character. I don't think of any other one at that time.

X 100. Why did you not feel free to answer it ?

[*Same objection and motion.*]

Ans. I thought it wouldn't show good principle in me to rake up a man's character.

X 101. At a previous call of Prof. Carmichael upon you in Waterville, had you not *voluntarily* told him that Mr. Bodge

stated to you at one time that he got the idea of a rubber bag from Prof. Carmichael?

[*Same objection and motion.*]

Ans. I couldn't say positive whether I said it voluntarily or not. I think that by his conversation it put me in mind of that, and I made some such a remark.

X 102. At the time of Prof. Carmichael's last call upon you, when you refused to talk about the matter, did he not recall to you what you had previously stated to him Mr. Bodge had said about the use of a rubber bag; and did you not reply to him that you had *blurted* that out without reflection, and that you were sorry for it as soon as you had said it—or words to that effect?

[*Same objection and motion.*]

Ans. He spoke about it. I said that I was sorry that I had said anything about it at all—I think that is the way I worded it.

X 103. Did you not at that time further say, that you would not appear to testify if you could get money enough to pay your fine for not obeying the summons—or words to that effect?

[*Same objection and motion.*]

Ans. I said that I should rather pay the fine, if I had the money. I didn't consider that it would pay me anything to lose my time and go there.

X 104. Did you not at that time further say, that you had been taken to Portland, and had been questioned there so much by Bodge's Attorneys that you had got tired, and did not mean to remember anything about the matter—or words to that effect?

Ans. I never said nothing about Bodge's attorney. I made a remark about being questioned, or drummed—and had got tired of it. I might have said that I had been to Portland. I

furthermore remember of his asking me the question—I told him I *had* been to Portland, I think.

X 105. When had you been to Portland?

Ans. Some time previous to his calling on me.

X 106. At whose request did you go to Portland?

Ans. Mr. Bates'.

X 107. For what purpose did you go?

Ans. As I understood it, for an evidence in this case.

X 108. How long was that before you appeared here to give your testimony?

Ans. I think it must have been some three weeks.

X 109. Where were you taken when you came to Portland, and whom did you see and talk with about this case?

Ans. I first went to the Indurated Fibre Company's office; they sent me here to this office; I talked with Mr. Bates.

X 110. Did you talk with anybody else about the case?

Ans. No sir.

X 111. How did it happen that after that visit to Portland, you were much less communicative to Prof. Carmichael about these matters, than you had been previously?

Ans. As far as that goes, I was less communicative with any one, whoever undertook to talk with me about it, for the very reason that I thought it would be better for me to make my talk when I was called on—if I was called on at all.

X 112. Had you not previously talked freely with Mr. Bates about these matters, and allowed him to take full minutes of your statements?

Ans. I had talked with Mr. Bates several times; made inquiries about the case myself from him. At no time there in our conversation did he take any minutes of my conversation, to my knowledge.

X 113. Do you mean by that, that you do not know that Mr. Bates had taken minutes of your statements to him about these matters?

Ans. Not at these times that I refer to in our conversation.

X 114. My question relates to any time before your examination commenced, as I mean to put it.

Ans. Well, I talked with him at the time of our conversation that I now refer to. He was writing occasionally through our conversation. I never asked him, nor he never told me, what he was writing, and I never saw the writing to my knowledge.

X 115. Why were you not willing, at the time of his last visit, to grant to Prof. Carmichael the same facilities to get at your knowledge of the facts of this case, as you afforded to Mr. Bates?

Ans. As I previously stated, I thought it would be better for me, and all parties concerned, to make my talk when I was called on. I made this same remark to him at that time.

X 116. What had changed your ideas on this point, between his earlier and later visit to you?

Ans. By thinking the matter over, I thought it would be better for me to make no outside talk—to do my talking when I was called on.

[Before resuming the direct examination counsel for Bodge states that it is subject to the objections and motion made by him under cross-examination, and that the same will be urged at the hearing.]

Re-Direct Examination by MR. LANGE.

R. D. 117. In your answer to X Int. 81, you refer to a rubber bag that you were experimenting with or using on the iron machine. Will you please state to what rubber bag you refer and describe the same?

Ans. It was a thick, rigid rubber, with a wide flange, smaller on top than any bag that they had been experimenting with—also flat topped and less flexible.

R. D. 118. What was done with that bag?

Ans. It was—well, I don't understand that question exactly.

R. D. 119. Was that bag used on the iron machine; and if so, what was the result of its use?

Ans. It was used on the iron machine several times. The result was poor every time.

R. D. 120. What was afterwards done with the rubber bag referred to, if anything?

Ans. I put a rubber flange on the top to help expand it; after doing so, we tried it; we had no success; took it off from the machine and laid it away. That is the last I recollect of the bag.

[Adjourned to 2:30 same day.]

JUNE 28, 1886, 2:30 P. M.

R. D. 121. State, as near as you can, about how long after you began work at the Fibre Ware Company's mill was it that this rubber bag which you have described in answer to Int. 117 was first used or put on the iron machine?

Ans. It might have been six weeks, possibly two months.

R. D. 122. Please state whether or not, at any other time, Mr. Bodge said anything to you about any other rubber bag being Carmichael's and Smith's idea, or Carmichael's idea alone.

[*Objected to—as leading, not calling for what was said.*]

Ans. I have no recollection of his referring to any other bag or bags, of their ideas.

R. D. 123. Other than the rubber bag, previously referred to and described by you in answer to Int. 117, will you please state whether at any time during your employ at the works of the Fibre Ware Company, Mr. Bodge ever stated to you that the idea of a rubber bag was Prof. Carmichael's or that he got the idea of a rubber bag from Prof. Carmichael?

[*Objected to—as leading.*]

Ans. Only at this time that I have previously spoken of.

R. D. 124. Who is the Mr. Smith to whom you have referred in connection with Prof. Carmichael?

Ans. He was a Mr. Smith from Massachusetts, as I understood it, that the company employed to help out some on their experiments.

Re-Cross-Examination by MR. LIBBY.

R. X 125. You have been inquired of on the re-direct, as to statements of Mr. Bodge relating to the use of the rubber bag. Will you now please give the whole conversation of Mr. Bodge with you on that subject, as previously stated by you to Prof. Carmichael?

[*Same objection and motion.*]

Ans. We was working with this particular bag, that I speak of; and he (Bodge) said, "This bag was Smith's and Carmichael's idea, and it ain't worth a damn." That is as near as I can remember the conversation.

R. X. 126. In your previous testimony you stated, as I understand it, that you did not mention Smith's name to Prof. Carmichael. Didn't you also state to Prof. Carmichael, as a part of the statement made by Mr. Bodge, that Bodge said that the use of a rubber bag was a failure, and that he was going back to the thin rubber—or words to that effect?

[*Same objection and motion.*]

Ans. I have no recollection of ever saying anything about the rubber bag being a failure; but I think I did say that we was going back or did go back on to the thin rubber.

R. D. 127. After you had stated to Prof. Carmichael about Bodge's admitting to you that he got the idea of a rubber bag from Prof. Carmichael, did not Prof. Carmichael immediately ask you how it happened that Mr. Bodge should make such an

admission to you ; and did you not reply that you were then on very friendly terms with Bodge, and that he talked quite freely with you about his matters ?

[Same objection and motion ; and the question is further objected to as not proper cross-examination.]

Ans. I have no recollections of a direct question from Mr. Carmichael, of that kind at that time. I might have said that Mr. Bodge and myself was on friendly terms, for the very reason that we had been for several years.

NEWEL P. HANSON.

CERTIFICATE OF EXAMINER.

DISTRICT OF MAINE, ss:

I, A. H. Davis, Clerk of the Circuit Court of the United States for the District of Maine, Examiner, do hereby certify that the foregoing depositions of Franklin J. Rollins, George S. Winn, George J. Damery, Daniel Brooks, Joseph W. Libby, Elbridge S. Bodge, William C. Hinds, Asa J. Lyon, William A. Bodge, Nellie E. Bodge, Joseph G. Bodge, Edward C. O'Brien, Walter S. Dunham, B. Frank Brown, and Newel P. Hanson, were taken on behalf of Joseph G. Bodge, in pursuance of stipulations entered into between counsel, as appears of record herein, before me, at the office of Wilbur F. Lunt, Esq., 57 Exchange St., in the city of Portland, in said district, on the days following, to wit: May 28 to June 28, 1886, both inclusive; that each of said witnesses was by me duly sworn before the commencement of his testimony; that the testimony of each of said witnesses was written out by myself, or by my direction, by consent of counsel; that the opposing party, Henry Carmichael, was present in person and by counsel during the taking of said testimony; that said testimony was taken at said office of Wilbur F. Lunt, Esq., and was commenced at 9:30 A. M. on the 28th day of May, 1886, was continued pursuant to adjournment on the days set out in the record, and was concluded on the 28th day of June, 1886; that I am not connected by blood or marriage with either of said parties, nor interested directly or indirectly in the matter in controversy.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at Portland, in said district, this 28th day of June, 1886.

[L. s.]

A. H. DAVIS,
*Clerk U. S. Circuit Court for the
 District of Maine,
 Examiner.*

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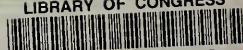


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